

4:45 p.m.

Workshop in the County Council Chambers.

5:30 p.m.

Call to order

Opening remarks/Pledge – Brady Christensen

Review and approval of agenda.

Review and approval of the minutes of the 14 June 2018 meeting.

5:35 p.m.**Consent Items**

1. **One Sixty Five Subdivision** – A request to create a new 4-lot subdivision from two existing parcels located at approximately 10860 South Highway 165, Avon, in the Agricultural (A10) Zone.
2. **View of the Valley Subdivision** – A request to create a new 3-lot subdivision on 15.18 acres located at 1600 West 6500 South, Hyrum, in the Rural 5 (RU5) Zone.
3. **June West Cowley Lot Split Subdivision 3rd Amendment** – A request to create one additional building lot in an existing 4-lot subdivision located at 4000 West 2600 North, Benson, in the Agricultural (A10) Zone.
4. **R Rafter L Subdivision 1st Amendment** – A request to amend the boundaries of Lots 1 & 2 of an existing two-lot subdivision located at 10750 South Highway 165, Avon, in the Agricultural (A10) Zone.
5. **Willden Pond Subdivision 1st Amendment** – A request to amend a previously approved subdivision by amending the boundaries of Lots 1 & 2 and creating four agricultural remainders. The subdivision is located at 1312 South 3200 West, Young Ward, in the Agricultural (A10) Zone.
6. **Brooksby Creek Subdivision 1st Amendment** – A request to amend the agricultural remainder and subdivision boundary and create two additional building lots in an existing subdivision located at 11200 North 2000 East, near Richmond, in the Agricultural (A10) Zone.
7. **Larsen CUP Subdivision 1st Amendment** – A request to amend the boundaries of Lots 1 & 2 and create an agricultural remainder in an existing subdivision located at 1625 West Highway 218, near Smithfield, in the Agricultural (A10) Zone.
8. **Wendell Smith Lot Split Subdivision 1st Amendment** – A request to expand the subdivision boundary to add an adjacent legal parcel to the subdivision and adjust the boundaries of the three lots located at 275 East 850 South, near Richmond, in the Agricultural (A10) Zone.



Regular Action Items

- 9. Public Hearing (5:40 p.m.): Applewood Hollow Rezone** – A request for a recommendation of approval to the County Council for a rezone of 12.50 acres, located at 4642 Hollow Road, near Nibley, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
- 10. 80 Acres Conditional Use Permit** – A request for approval to operate a recreational facility featuring a motocross/OHV race track on 73.11 acres located at approximately 11800 North 8400 West, near Clarkston, in the Agricultural (A10) Zone.
- 11. Cherry Peak Ski Area Conditional Use Permit 2nd Amendment** – A request for approval to amend an existing conditional use permit (CUP) including amending the CUP boundary, adding a new ski run, increase parking areas, and allow more than 1,000 persons on-site without a special event permit. The properties are located at approximately 3200 East 11000 North, Richmond, in the Forest Recreation (FR40) Zone.
- 12. Public Hearing (6:10 p.m.): Amendment to Title 17.07 regarding Parcel Legality**
- 13. Discussion: Amendment to Title 17.07 regarding Accessory Apartments**

Board Member Reports

Staff reports

Adjourn



PLANNING COMMISSION MINUTES

14 June 2018

Item

Page

Consent items

1. Mt. Sterling Wright Subdivision 1st Amendment..... 2
2. Dominion Energy Sardine Canyon Conditional Use Permit..... 2

Continued items

3. Creekside Estates Subdivision..... 2
4. Commercial Zone Amendment – Zanavoo 4

Regular items

5. Public Hearing (5:55 p.m.): Jenkins Rezone..... 4
6. West Canyon Ranch Cabin Conditional Use Permit 5
7. Pisgah Limestone Conditional Use Permit 2nd Amendment..... 8
8. Discussion: amendment to Title 17.07 regarding Parcel Legality 10

1 **Present:** Angie Zetterquist, Chris Harrild, Josh Runharr, Lane Parker, Jason Watterson, Brady
2 Christensen, Phillip Olsen, Rob Smith, Chris Sands, Lee Edwards, Megan Izatt **Start Time:**
3 **05:32:00**

4
5 **Christensen** welcomed and **Parker** gave opening remarks

6
7 **05:34:00**

8
9 **Agenda**

10
11 ***Smith** motioned to accept the agenda with no changes; **Olsen** seconded; **Passed 6, 0.***

12
13 **05:35:00**

14
15 **Minutes**

16
17 ***Parker** motioned to accept the minutes from 3 May 2018 with the noted changes; **Smith***
18 ***seconded; Passed 6, 0.***

19
20 **05:35:00**

21
22 **Consent Items**

23 **#1 Mt. Sterling Wright Subdivision 1st Amendment**

24
25 **Zetterquist** reviewed the revised staff report.

26
27 **Michelle Jensen** commented that she would like to add an addition to the existing home but it
28 won't meet setbacks on the existing lot so that is the reason for combining the parcels.

29
30 ***Olsen** motioned to approve the Mt. Sterling Wright Subdivision with the noted amendment;*
31 ***Watterson** seconded; **Passed 6, 0.***

32
33 **05:41:00**

34
35 **#2 Dominion Energy Sardine Canyon Conditional Use Permit**

36
37 ***Watterson** motioned to approve the Dominion Energy Sardine Canyon Conditional Use Permit;*
38 ***Smith** seconded; **Passed 6, 0.***

39
40 **05:42:00**

41
42 **Continued Items**

43 **#3 Creekside Estates Subdivision**

44
45 **Zetterquist** reviewed the staff report for the Creekside Estates Subdivision. Staff is requesting
46 another continuance of 30 days for the applicant and Smithfield to work out access.

47 **Staff and Commission** discussed access and continuing the item.

1 **Duane Williams** commented regarding access.

2
3 **Christensen** asked about length restrictions on private roads.

4
5 **Runhaar** responded that private roads are limited to three homes.

6
7 **Mr. Williams** explained his design for the road through the subdivision and the need for a
8 design exception.

9
10 **Harrild** reviewed what options are available to proceed with the proposed road changes to the
11 plat.

12
13 **Christensen** asked if Mr. Williams plans to use 800 West at all.

14
15 **Mr. Williams** responded that at this point there are no plans but would like to keep the option
16 open for future improvements.

17
18 **Smith** asked what the status was with Smithfield City regarding access.

19
20 **Mr. Williams** responded that Smithfield is fine with the subdivision using 800 West but at this
21 point he doesn't plan to use 800 West.

22
23 **Smith** asked if anything in writing has been received from Smithfield.

24
25 **Mr. Williams** responded that Mayor Barnes is planning to submit something in writing.

26
27 **Sands** asked what uses were located to the south of the property.

28
29 **Mr. Williams** responded that there is 20 acres of undeveloped property to the south and then a
30 county road. The current owner of that property is uninterested in selling.

31
32 **Sands** responded that this needs to be done right and make sense for future growth.

33
34 **Mr. Williams** responded that he would like to see an easement going south to meet up with that
35 county road.

36
37 **Sands** responded that it would make more sense to do that if development is going to continue to
38 the south.

39
40 **Williams** responded that is something that makes sense and that the proposed idea makes sense
41 for accessing the parcels.

42
43 **Staff and Commission** discussed design exceptions for roads and how to proceed with the
44 application.

45
46 **Olsen** motioned to continue the Creekside Estates Subdivision up to 90 days; **Sands** seconded;
47 **Passed 6, 0.**

1 **06:10:00**

2
3 **#4 Commercial Zone Amendment – Zonavoo**

4
5 **Christensen** recused himself for this item.

6
7 **Harrild** reviewed the staff report for the Commercial Zone Amendment – Zonavoo.

8
9 **Runhaar** commented on the strength and structure of zones.

10
11 **Staff** and **Commission** discussed the current zoning of Zonavoo.

12
13 **John Brandley** reviewed the history of the property and the current setup of the property and
14 what he would like to see happen with the property.

15
16 **Watterson** asked if Mr. Brandley had approached Logan City about annexation.

17
18 **Mr. Brandley** stated no.

19
20 **Watterson** responded that Logan City is probably more able to deal with a proposed
21 development of this type.

22
23 **Staff** and **Commission** discussed the proposed ordinance amendment and how the change would
24 possibly affect the county in the future, more than just this property.

25
26 ***Parker** motioned to recommend denial to the County Council for the Commercial Zone*
27 *Amendment-Zonavoo; **Watterson** seconded; **Passed 4, 1 (Olsen voted nay).***

28
29 **06:40:00**

30
31 **Regular Action Items**

32 **#5 Public Hearing (5:55 pm): Jenkins Rezone**

33
34 **Zetterquist** reviewed the staff report for the Jenkins Rezone. One letter was received against the
35 rezone.

36
37 **Staff** and **Commission** discussed the history of the property and access.

38
39 **06:45:00**

40
41 ***Watterson** motioned to open the public hearing for the Jenkins Rezone; **Smith** seconded; **Passed***
42 ***6, 0.***

43
44 **Michael Jenkins** commented that he would like to do one more lot. The land is not farmable.
45 **Virginia Wanagel** asked if the rezone would allow one lot or two lots.

46
47 **Runhaar** responded that one lot would be allowed.

1 **Ms. Wanagel** commented regarding water, and that the previous owner would be willing to buy
2 back 5 acres. She would like to see the zoning remain A10.

3
4 **06:50:00**

5
6 ***Watterson** motioned to closed the public hearing for the Jenkins Rezone; **Parker** seconded;*
7 ***Passed 6, 0.***
8

9 **Staff** and **Commission** discussed the application.

10
11 ***Sands** motioned to recommend approval to the County Council for the Jenkins Rezone with the*
12 *one conclusion; **Parker** seconded; **Passed 6, 0.***
13

14 **06:56:00**

15
16 **#6 West Canyon Ranch Conditional Use Permit**

17
18 **Zetterquist** reviewed the West Canyon Ranch Conditional Use Permit (CUP) staff report.

19
20 **Staff** and **Commission** discussed the possibility of phased approval, traffic and requiring a
21 possible traffic study, and what road improvements would possibly be needed for additional
22 cabins.

23
24 **Jason Summers** commented on traffic and the proposed cabins.

25
26 **Christensen** asked if Mr. Summers knew the number of RVs and tents there.

27
28 **Mr. Summers** responded that he didn't know and that they have all been removed. He asked if
29 hunting was allowed on the current zoning.

30
31 **Harrild** responded that hunting is allowed as long as it is in season; however, when a
32 commercial business is created the impact on the site is changed.

33
34 **Mr. Summers** responded that he knew of other operations that operate in the county without a
35 permit.

36
37 **Harrild** responded that they are supposed to have a permit.

38
39 **Mr. Summers** asked if hunting falls under a more agricultural use.

40
41 **Watterson** responded that when it becomes a commercial use it does not.

42
43 **Mr. Summers** responded there are other CWMUs that don't have a conditional use permit.

44 **Watterson** responded that a CWMU is different from a CHA.

45
46 **Mr. Summers** responded that a CHA is for hunting birds and a CWMU is for hunting big game.

1 **Watterson** asked if this was a CWMU or an operation that would raise the animals hunted on
2 the property.

3
4 **Mr. Summers** responded that currently the operation would raise the domesticated elk for an
5 agricultural use and hunting. The elk are being sold as livestock also.

6
7 **Sands** responded that the agricultural use is a permitted use.

8
9 **Runhaar** stated that if there is transient lodging it changes the use of the property.

10
11 **Mr. Summers** responded that he understood that and if he didn't have transient lodging would
12 hunting be allowed.

13
14 **Runhaar** responded probably because hunters pay to hunt on farmers' property all the time and
15 that the issue is when building this type of facility.

16
17 **Mr. Summers** responded he was looking for clarification and they do want to have short term
18 lodging.

19
20 **Sands** responded that the proposal seemed positive but the access and emergency services need
21 to be available and accessible to the property.

22
23 **Mr. Summers** responded that they have owned the property for one year and that the roads do
24 need maintenance.

25
26 **Sands** responded that there are a lot of reasons the road is the way it is currently and was
27 probably not ever constructed to county standards.

28
29 **Mr. Summers** asked if the road was a local road or a rural road.

30
31 **Watterson** asked about the gate and if it is locked.

32
33 **Mr. Summers** responded that they are required to have a locked gate.

34
35 **Watterson** responded that emergency services would need to have access to meet the CUP
36 ordinance requirements.

37
38 **Mr. Summers** responded that he met with Jason Winn and went over what would need to be
39 done.

40
41 **Harrild** addressed the question on if the road was a local or rural road.

42
43 **Mr. Summers** responded there are only two homes past the fork in the road.

44
45 **Harrild** responded that anything that services three homes or less is a rural road.

46
47 **Christensen** responded that the number of trips would reflect in the road designation.

1 **Mr. Summers** responded traffic should decrease and they are looking at developing in phases.

2
3 **Sands** responded staff's recommendation would be done in phases.

4
5 **Runhaar** responded that the number of trips is essential for the road designation.

6
7 **Mr. Summers** responded that they anticipate only a few guests a week.

8
9 **Christensen** asked the maximum number of guests per week housed on site.

10
11 **Mr. Summers** responded 1 to 4 guests per week with the trips being 1 to 3 nights a week.

12
13 **Staff** and **Commission** discussed the seasonal nature of hunting and the roads.

14
15 **Mr. Summers** responded that the road is accessible and the county was working on it yesterday.

16
17 **Staff** and **Commission** discussed the 17 conditions.

18
19 **Parker** asked if the applicant would be ok with the proposed phases.

20
21 **Mr. Summers** responded that he is but he would like to do the existing cabin and another cabin
22 to begin with. He is not looking to have a large number of people up there at one time.

23
24 **Sands** asked if Mr. Summers is fine with the road improvements needed for the private road.

25
26 **Mr. Summers** responded yes.

27
28 **Sands** responded that previous subdivisions have been denied because the applicants weren't
29 willing to improve the road. If additional units are allowed without the improvements, that
30 doesn't seem fair.

31
32 **Mr. Summers** responded that the county hadn't maintained the road either.

33
34 **Christensen** stated that for other applications there was little to no change for traffic.

35
36 **Harrild** responded that traffic studies were submitted with those applications.

37
38 **Mr. Summers** responded he is willing to do a traffic study.

39
40 **Staff** and **Commission** discussed traffic and the impact

41
42 **Christensen** asked how many individual rooms condition #1 would allow.

43
44 **Mr. Summers** responded that the existing cabin has 1 bedroom and the new construction would
45 have two for a total of 3 bedrooms.

1 **Staff and Commission** discussed the possibility of allowing two cabins. Staff is not comfortable
2 with that change as it skirts the code.

3
4 **Mr. Summers** responded that a floor plan for the cabin was submitted with the application.

5
6 **Sands** asked how large the new construction would be.

7
8 **Mr. Summers** responded that the log cabin kit is 2000 square feet.

9
10 **Staff and Commission** discussed condition #1.

11
12 **Mr. Summers** asked for a clarification of what standards the private road needs to meet. The
13 Fire District has stated it was a mountain road.

14
15 **Runhaar** responded that staff couldn't state at this time what it currently is because they don't
16 have that information.

17
18 ***Parker** motioned to approve the West Canyon Ranch Cabin Conditional Use Permit with the*
19 *amendment to condition 1, amendments to condition 7, the addition of condition 9 under phase 1,*
20 *and renumbering under future phases to conditions 10-18 subsequently, and the addition of*
21 *condition 19; **Olsen** seconded; **Passed 6, 0.***

22
23 **Staff and Commission** discussed the change to condition #1 and the possible traffic
24 implications.

25
26 **07:54:00**

27
28 **#7 Pisgah Limestone Conditional Use Permit 2nd Amendment**

29
30 **Zetterquist** reviewed the Pisgah Limestone Conditional Use Permit (CUP) 2nd Amendment.

31
32 **Staff and Commission** discussed the proposed expansion. The original proposal was a
33 contained, small area and it has currently expanded beyond the original approval.

34
35 **Lance Anderson** commented that he is representing the applicants. The intent is to bring the
36 project into compliance, and make sure the zoning in all the areas is sufficient.

37
38 **Christensen** asked if the project is currently in compliance.

39
40 **Mr. Anderson** responded yes and commented that the project is moving from 5 acres to 10
41 acres. Most of the product being supplied is for homebuilders.

42
43 **Smith** asked if reclamation is going as planned in the original CUP.

44
45 **Mr. Anderson** responded that the gravel pit is bringing the material down the hill and it more
46 challenging to reclaim. Once the material is out of the slope it can be reclaimed but is not
47 reclaimable while the slope is being worked.

1 **Sands** asked if once the gravel pit is out, it still cannot be reclaimed back to a forested slope.

2
3 **Mr. Anderson** responded yes, it won't be a forested slope.

4
5 **Sands** responded that it seems that it will be a sheer wall.

6
7 **Mr. Anderson** responded that he thinks it would look more like the reclamation in the Durango
8 and Silverton, Colorado area.

9
10 **Sands** responded that reclamation and weeds have been an issue since the road was put in and
11 asked where the product is going.

12
13 **Mr. Anderson** responded a lot of product is going to Edge Excavation, Visionary and Lifestyle
14 Homes Contractors, some is also going down to Devil's Slide area, and Idaho to the sugar beet
15 farmers.

16
17 **Sands** responded that the visual impacts are going to last years.

18
19 **Runhaar** commented that the County needs to improve how gravel pits are conditioned.

20
21 **Mr. Anderson** responded that where LeGrande's was located has been reclaimed and is being
22 dry farmed. He also commented that once the mining goes over 10 acres the State has
23 requirements that have to be met for reclamation.

24
25 **Christensen** asked if there is a way to be more contained.

26
27 **Mr. Anderson** responded that it is contained as much as possible.

28
29 **08:13:00**

30
31 **Parker** motioned to extend the meeting to 8:30; **Sands** seconded; **Passed 6, 0.**

32
33 **Parker** motioned to approve the Pisgah Limestone Conditional use Permit 2nd Amendment with
34 the stated conditions and conclusions; **Smith** seconded; **Passed 4, 2 (Watterson and Sands vote**
35 **nay).**

36
37 **08:15:00**

1 **#8 Discussion: Amendments to Title 17.07 Regarding Parcel Legality**

2
3 **Harrild** reviewed how parcel legality is researched and done and that the major change is to
4 move the research line to 2006 instead of 1970.

5
6 **Staff** and **Commission** discussed some of the impacts that are possible by changing that baseline
7 from 1970 to 2006.

8
9 **Adjourned**

10
11 **8:31:00**

DRAFT

STAFF REPORT: ONE SIXTY FIVE SUBDIVISION

12 JULY 2018

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: David Bess

Parcel ID#: 16-046-0010, -0035

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

10860 South Old Hwy 165

Avon

Current Zoning:

Agricultural (A10)

Acres: 32.64 acres

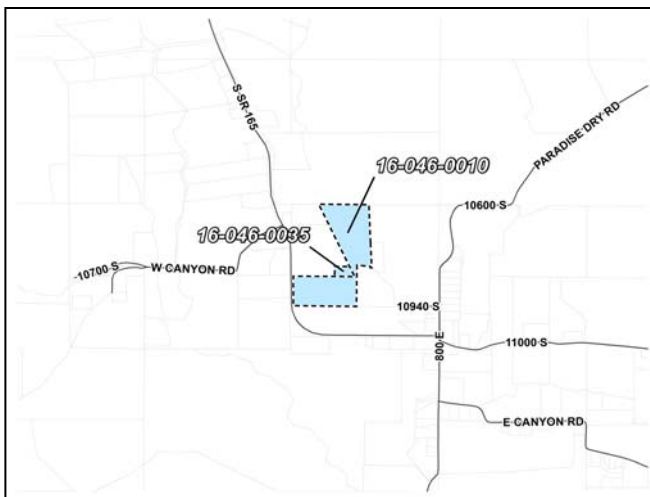
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



FINDINGS OF FACT (21)

A. Request description

1. The One Sixty Five Subdivision is a request to create a 4-lot subdivision with an agricultural remainder from two existing, legal parcels.
 - a. Parcel #16-046-0035, with an existing single-family dwelling, will become Lot 1 and will increase from 1.33 acres to 13.0 acres;
 - b. Parcel #16-046-0010 will be divided into 3 lots with the remaining acreage allocated to an agricultural remainder:
 - i. Lots 2, 3, & 4 will be 1.0 acre each;
 - ii. The Agricultural Remainder will be 16.64 acres.

B. Parcel legality

2. Parcel 16-046-0010 is a legal parcel as it qualifies as a 2000 parcel under the County's Policy for Determination of Parcel Legality, dated 29 August 2013. A parcel is legal, under the 2000 parcel policy, if it exists in the same size and configuration as it did in 2000 and is a legal, developable lot if no more than one division occurred since the original 1970 parcel. On the 1970 and 1978 plats, the parcel is 32.8 acres in size. By 1993, a new parcel had been created (16-046-0031) that was divided from a portion of the subject property and an adjacent property (16-046-0001). The boundary lines also shifted between 16-046-0001 and the subject property to its present configuration with 33.84 acres. Under the current zone, Agricultural (A10), this parcel can be divided into three lots.
3. Parcel 16-046-0035 is a legal parcel. In 1981 a Conditional Use Permit was approved on 1.33 acres of 16-046-0003 (22.25 acres) to allow the placement of a temporary mobile home for four years. In January 1984, the Board of Adjustments approved a request to allow the construction of a single-family dwelling on 1.33 acres without frontage on a public road. Subsequently, a building permit was issued for a home on the same 1.33 acres. That 1.33 acres became parcel 16-046-0035 and the parent parcel, 16-046-0003, was further divided in 2011 to create the R Rafter L Subdivision, but the subject property was not included in that subdivision resulting in a legal lot.

C. Authority

4. §17.02.030 [E] Authority for Land Use Actions – The Planning Commission is authorized to act as the Land Use Authority for subdivision amendments. *See conclusion #1.*

D. Culinary water, septic system, and storm water

5. §16.04.080 [A] Water Requirements – A domestic, approved water right is required for each of the lots. The State Division of Water Rights has an approved water right (#25-8257/a55953) on file for Lot 1. The water rights for Lot 2, 3, & 4 are in process (#25-11487, 25-11488, 25-11489). Proof of approved water rights for Lots 2, 3, & 4, are required prior to the plat being recorded. *See condition #1*
6. §16.04.080 [B] Sewage Requirements – All proposed lots require a Bear River Health Department (BRHD) review to determine feasibility of a septic system on the subject property. The applicant has provided a copy of a septic feasibility letter from BRHD for the proposed Lots 2, 3, & 4.
7. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #2.*

E. Access

8. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
9. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
10. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - a. The layout of proposed roads;
 - b. An analysis of existing roadway compliance with the Road Manual requirements;
 - c. Existing maintenance;
 - d. And any additional impacts to the proposed development access roads.
11. The Road Manual specifies the following:
 - a. §2.1-A-3 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.

- b. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide paved travel lanes with 2-foot-wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - c. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
 - d. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14" depth of granular borrow, 6" depth of road base, and paved roads required an additional 2.5" depth of asphalt.
 - e. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
 - f. §1.8 Authority and Design Exception: Consideration and evaluation of a design exception to the Road Manual standards requires full justification and documentation explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or construction method can meet the intent of the roadway standards, and including any other relevant information. *See condition #3*
12. A basic review of the access to the existing lots identifies the following:
- a. Primary access to the properties is from Old Hwy 165, a county road.
 - b. Old Highway 165:
 - i. Was formally a facility under the jurisdiction of the Utah Department of Transportation (UDOT), but was transferred to the county.
 - ii. At the location of the proposed subdivision, it is a 27 feet wide paved road with 8-foot gravel shoulders.
 - iii. Has an unknown depth and type of material, however, as a previous UDOT facility this likely exceeds the county minimums. *See condition #3*
 - iv. Is an existing county facility that provides access to the general public.
 - v. Has year round county maintenance at this location.

F. Service Provision

13. §16.04.080 [C] Fire Control – The County Fire District identified that the existing access is acceptable. Any future development on the property must be reevaluated and may require improvements based on the location of any proposed development. Water supply for fire suppression would be provided by the Paradise Fire Department.
14. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental has identified that collection for the proposed lots will occur on Old Highway 165 for Wednesday collection. The applicant must provide sufficient shoulder space along Old Highway 165 for the refuse and recycling containers to be 3-to-4 feet apart and be placed far enough off the road so as not to interfere with passing traffic.
15. §16.04.080 [D] School Bus Service – The Cache County School District provides a school bus top at 10841 South Old Hwy 165.

G. Sensitive Areas

16. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
- a. A canal runs through the northeast corner of Lot 1 and a small portion of the agricultural remainder.
 - b. An area of moderate slopes is located on Lot 1 and the agricultural remainder. Additional review and analysis may be required for any proposed development in this location.

H. Public Notice and Comment—§17.02.040 Notice of Meetings

17. Public notice was posted online to the Utah Public Notice Website on 28 June 2018.
18. Notice was published in the Herald Journal on 1 July 2018.

19. Notices were posted in three public places on 28 June 2018.
20. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 28 June 2018.
21. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (3)

Based on the Cache County Subdivision and Land Use Ordinances, Road Manual, and on the findings of fact as noted herein, staff recommends the following conditions:

1. Prior to recordation, the applicant must provide proof of a domestic culinary water right in the owner's name for Lot 2. (*See D-4*)
2. A Land Disturbance Permit is required for any future development. (*See D-6*)
3. Prior to recordation, the applicant must obtain approval of a design exception from the County Council regarding the width, surface material type, and structural fill of Old Hwy 165, a county road, or provide evidence that the existing material meets or exceeds the minimum county requirements. (*See E-11-f, E-12*)

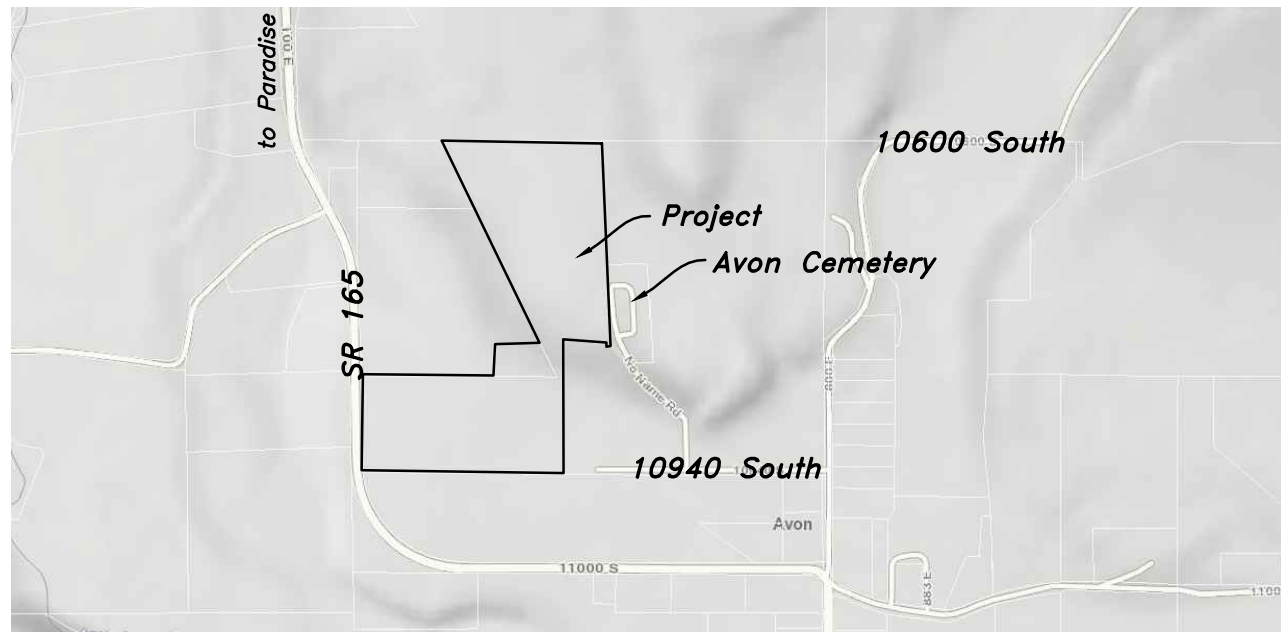
CONCLUSIONS (1)

Based on the findings of fact and conditions noted herein, staff recommends approval of the One Sixty Five Subdivision as:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.

One Sixty Five Subdivision

A Part of the Northeast Quarter of Section 10,
Township 9 North, Range 1 East, Salt Lake Base
& Meridian, Cache County, Utah



Vicinity Map - No Scale

GENERAL NOTES:

- A. Culinary Water Note:**
Culinary Water: Cache County has not determined the availability or adequacy of culinary water to any of the lots identified. All owners are advised of the requirements to obtain an approved culinary water source and comply with all other requirements for the issuance of a zoning clearance, prior to the issuance of a building permit.
- B. Storm Water Drainage Note:**
Storm Water Drainage: Compliance with the standards of the Cache County Manual of Roadway Design and Construction Standards and State of Utah storm water permitting are required. This includes, but is not limited to, any increased level of storm water drainage from any portion of any lot or remainder parcel of this subdivision to any adjacent properties, ditches, canals, or waterways, or the alteration of any existing, historic, or natural drainage without prior written authorization provided by the effected party or entity (may include but is not limited to: adjacent property owner(s), ditch or canal company, Cache County, or the State Water Engineer's Office.)
- C. Setback Lines for Primary Buildings are:**
12.00' on Side Yard; 30.00' on Front Yard; 30.00' on Rear Yard
- D. Agricultural Uses:** Current and future property owners must be aware that they will be subject to the sights, sounds, and smells associated with agricultural activities which are permitted uses in the Agricultural Zone.



Scale: 1" = 100'
0 100 200
Scale in Feet

RECORD OWNER'S
(16-046-0035)
David N. & Kelli
Ann Bess
10832 South
Highway 165
Paradise UT 84328

DEVELOPER
David Bess
(435-757-5112)
10832 South
Highway 165
Paradise UT 84328

(16-046-0010)
Noel R. & Mildred
H. Bess
PO Box 954
Brigham City UT
84302

C1
Δ = 4'00"10"
R = 1976.75'
L = 138.10'
LC = 138.07'
S 2'35"20" E

Line ID	Bearing	Distance
L1	S 42°28'56" E	53.11'
L2	S 57°03'01" E	51.76'
L3	S 69°47'47" E	125.88'
L4	S 0°32'35" W	31.86'
L5	N 69°47'47" W	139.95'
L6	N 57°03'01" W	58.95'
L7	N 42°28'56" W	87.53'
L8	S 86°55'24" E	42.85'

LEGEND

- Subdivision Boundary Line
- Lot Line
- Adjoining property Line
- Easement Line
- Edge of Hard Surface
- Existing Power
- Existing Canal Flowline
- Existing Fence Line
- Existing Comm. Line
- Existing Gravel/Dirt Road
- Section Corner
- Found Survey Point
- Set 5/8" by 24" Rebar With Cap

NARRATIVE

The purpose of this survey was to amend certain conditional use permits and of the parcels as shown and described hereon. The survey was ordered by David Bess. The control used to establish the property corners was the existing monumentation within Section 10, Township 9 North, Range 1 East, Salt Lake Base & Meridian. The basis of bearing is the North line of the Northeast Quarter of said Section 10 which bears South 89°41'17" East.

ADVANCED
LAND SURVEYING INC
1770 Research Park Way #111
Logan Utah 84341
(p) 435-770-1585 (f) 435-514-5883
www.advancedlsi.com

18-114 - CGH - 4/13/2018 - Rev. 1

COUNTY ATTORNEY APPROVAL

I certify that I have examined this plat and approve this plat as to form as required by State law and County ordinance.

Cache County Attorney

Date

DEPUTY COUNTY SURVEYOR'S CERTIFICATE

I certify that I have had this plat examined and find that it is correct and in accordance with the information on file in this office; and further, it meets the minimum standards for plats required by county ordinance and state law.

Deputy County Surveyor

Date

COUNTY PLANNING COMMISSION

This plat recommended for approval by the Cache County Planning Commission this day of A.D., 20__.

Chairman

BEAR RIVER HEALTH DEPARTMENT APPROVAL

This subdivision described in this plat has been approved by the Bear River Health Department on the day of 20__.

By:

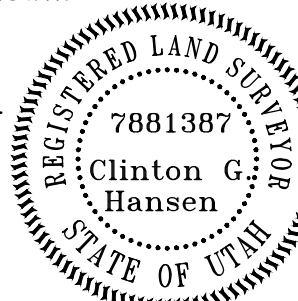
Title:

SURVEYOR'S CERTIFICATE

I, Clinton G. Hansen, do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No. 7881387, as prescribed under the laws of the State of Utah, I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land hereafter to be known as One Sixty Five Subdivision and the same had been correctly surveyed and all streets are the dimensions shown.

Clinton G. Hansen
P.L.S. No. 7881387

Date



SUBDIVISION AMENDMENT BOUNDARY

A Part of the Northeast Quarter of Section 10, Township 9 North, Range East, Salt Lake Base & Meridian

Beginning at the Northeast Corner of R Rafter L Subdivision, Entry Number 1069165 of the Official Records of Cache County, said Point is Located 478.50 Feet South 89°41'17" East (South 89°25'37" East by Record) Along the North Line of said Northeast Quarter from the Northwest Corner of said Northeast Quarter and Running Thence South 89°41'17" East 893.65 Feet (East 896.40 Feet by Record) Along said North Quarter Section Line to Point 1265.10 Feet from the Northeast Corner of said Northeast Quarter; Thence South 02°52'14" East 696.06 Feet (South 03°02'08" East 696.27 Feet by Record) to the Northwest Corner of the Avon Cemetery; Thence South 02°56'33" East (South 03°04'45" West by Record) 464.83 Feet Along the West Line of said Cemetery; Thence North 89°51'48" West (West by Record) 30.00 Feet; Thence North 00°08'12" East (North by Record) 22.91 Feet; Thence North 84°03'38" West (North 84°11'50" West by Record) 234.37 Feet; Thence South 00°32'35" West (South 00°24'23" West by Record) 751.13 Feet; Thence North 89°27'25" West 1134.88 Feet (West 1154.10 Feet by Record) to the East Right-of-Way Line of Highway 165; Thence Along said Highway Right-of-Way Line the Following Two (2) Courses: (1) Along the Arc of a 1976.75 Foot Radius Curve to the Right an Arc Length of 138.10 Feet, Long Chord Bears North 02°35'20" West 138.07 Feet; (2) North 00°35'15" West (North by Record) 402.85 Feet to the South Line of said R Rafter Subdivision; Thence South 89°41'17" East (South 89°25'37" East by Record) 742.61 Feet Along said R Rafter Subdivision to an Existing Fence; Thence North 02°07'23" East 179.87 Feet Along said Fence; Thence South 86°55'24" East 280.09 Feet Along said Fence; Thence North 26°05'07" West (North 25°49'27" West by Record) 1287.05 Feet to the Point of Beginning. Containing 32.643 Acres.

OWNER'S DEDICATION

Know all men by these presents that we the undersigned owners of the tract of land depicted and described hereon, having caused the same to be subdivided into lots and streets (as pertains), the whole to be hereinafter known as the One Sixty Five Subdivision. Further we dedicate and/or quit claim as appropriate the portion of property of [16-046-0010 & 16-046-0035] that lies within 33' of the center line of the existing Highway 165, and as shown on this plat, to Cache County, for the use of the public forever, and hereby grant to the County the right to make any and all improvements for the construction, maintenance, and repair of said roadway, Also we hereby grant an easement to the Paradise Irrigation Company, as dimensioned hereon, for access, maintenance, repair, upgrades, etc. to their distributary canal that flows through Lot 1.

Noel R. Bess

Date

Mildred H. Bess

Date

David N. Bess

Date

Kelli Ann Bess

Date

TRUST ACKNOWLEDGMENT

State of Utah
County of

On this day of 20__, Noel R. Bess & Mildred H. Bess Trustees for the Noel & Mildred Bess Family Trust, personally appeared before me, the undersigned notary public in and for said county, in the state of Utah, the signers of the attached owners dedication, who duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned on behalf of said trust.

Notary Public

ACKNOWLEDGMENT

State of Utah
County of

On this day of 20__, David N. Bess & Kelli Ann Bess, Husband and Wife as Joint Tenants, Personally Appeared before me, the Undersigned Notary Public in and for said County, in the State of Utah, the Signers of the Attached Owners Dedication, whom duly Acknowledged to me they Signed it Freely and Voluntarily and for the Purpose Therein Mentioned.

Notary Public

COUNTY RECORDER

State of Utah
County of Cache

This plat has been duly acknowledged, certified, and approved and may lawfully be recorded in Cache County, Utah.

Filed and Recorded:

Filing No.:

Date:

Time:

Book:

Page:

Request of:

Cache County Recorder

STAFF REPORT: VIEW OF THE VALLEY SUBDIVISION

12 JULY 2018

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: Doug Bassett

Parcel ID#: 01-065-0007

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

1600 West 6500 South

Hyrum

Current Zoning:

Rural 5 (RU-5)

Acres: 15.18

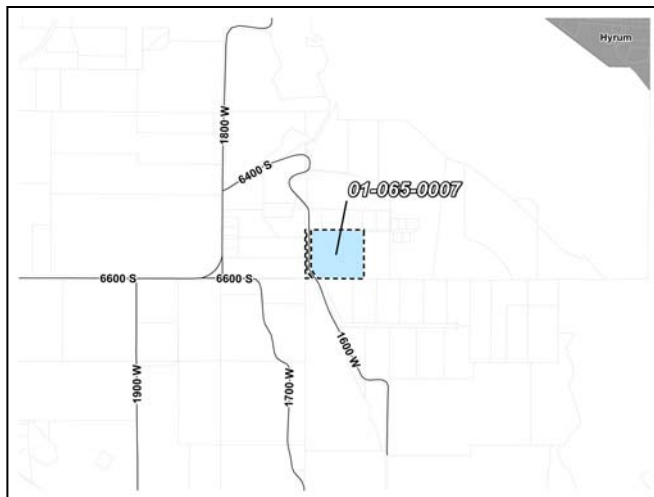
Surrounding Uses:

North – Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



FINDINGS OF FACT (30)

A. Request description

1. The View of the Valley Subdivision is a request for a 3-lot subdivision with each lot being 4.86 acres. The portion of 01-065-0007 that is west of the dedicated county right-of-way (ROW) will be counted in calculating available density for the subdivision, but will be transferred to the adjacent property owner and excluded from the subdivision boundary.
2. The subject property was rezoned from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone on July 13, 2011 (Ord. No. 2011-10). The RU5 Zone allows for a development density of 1 lot for every 5 acres.
3. Previous approval of a 3-lot subdivision on 14 March 2017 was void as plat was not recorded.

B. Parcel legality

4. The subject parcel is considered a legal, 1978 parcel as per the Policy for Determination of Parcel Legality dated 29 August 2013.

C. Authority

5. §17.02.030 [E] Authority for Land Use Actions – The Planning Commission is authorized to act as the Land Use Authority for subdivision amendments.

D. Culinary water, septic system, and storm water

6. §16.04.080 [A] Water Requirements – A domestic, approved water right is required for each of the lots. The applicant currently has three approved domestic water rights for each lot in the proposed subdivision: #25-11115/a41600; #25-11116/a41601; #25-11117/a41602.
7. §16.04.080 [B] Sewage Requirements – All proposed lots require a Bear River Health Department (BRHD) review to determine feasibility of a septic system on the subject property. The applicant has provided a copy of a septic feasibility letter from BRHD for the proposed lots.
8. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #1*

E. Access

9. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
10. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
11. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - a. The layout of proposed roads;
 - b. An analysis of existing roadway compliance with the Road Manual requirements;
 - c. Existing maintenance;
 - d. And any additional impacts to the proposed development access roads.
12. The Road Manual specifies the following:
 - a. §2.1-A-4 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - b. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide paved travel lanes with 2-foot-wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - c. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
 - d. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14" depth of granular borrow, 6" depth of road base, and paved roads required an additional 2.5" depth of asphalt.
 - e. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
 - f. §1.8 Authority and Design Exception: Consideration and evaluation of a design exception to the Road Manual standards requires full justification and documentation explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or construction method can meet the intent of the roadway standards, and including any other relevant information. *See condition #2*

13. Access to the View of the Valley Subdivision property on county roads may be approached from the north or from the west.
14. Access from the north must cross the Hyrum dam spillway on South 1700 West. At this location, 1700 West is a ~16-foot wide paved surface. This width is inadequate and widening of the roadway in this location is financially impractical. Recent sloughing of the bank along the road into the reservoir in that area has also created an increased safety issue.
15. The access from the west is county roads 6600 South, 1800 West, 6400 South, and 1600 West.
16. A basic analysis of county road 6600 South (Local Road) is as follows:
 - a. West 6600 South meets the minimum county standard. At this location, 6600 South averages a 22-foot paved width with 4 to 5-foot wide gravel shoulders and currently serves more than 3 dwellings and provides agriculture access.
17. A basic analysis of county road 1800 West (Local Road) is as follows:
 - a. 1800 West meets the minimum county standard. At this location, 1800 West averages a 22' paved width with 3 to 5-foot wide gravel shoulders and currently serves more than 3 dwellings and provides agriculture access.
18. A basic analysis of county road 6400 South (Local Road) is as follows:
 - a. West 6400 South meets the minimum county standard. At this location, 6400 South averages a 22-foot paved width with 1 to 2-foot wide gravel shoulders and currently serves more than 3 dwellings and provides agriculture access.
19. A basic analysis of the paved portion of county road 1600 West (Local Road) is as follows:
 - a. The paved portion of 1600 West provides access to several agricultural parcels and 13 residential properties with an additional 11 residential properties to be added at the time the Nautica Subdivision is recorded.
 - b. The paved portion of 1600 West (Local Road) is a county road by use.
 - c. At this location, the paved portion of 1600 West averages a 21-foot paved width with 4-foot gravel shoulders. *See condition #2*
 - d. The depth and type of material under the paved portion of 1600 West is unknown. This is an existing county facility that provides access to the general public. *See condition #2*
 - e. At this location the county provides year round maintenance on 1600 West.
 - f. Regarding the paved length of 1600 West, following the Planning Commission meeting of March 2, 2017, the Commission directed the Public Works Inspector to provide an overview of the worst portion of this section of roadway, and to identify line of site, speed limit, and shoulder width of the entire length of the paved section of 1600 West.
 - g. That review has been completed and the County Road Department has determined that Cache County will install vertical panel delineators on north/northwest side of roadway in the steep shoulder area, and that the County will also install two 15 MPH speed limit signs on each end of the paved portion of 1600 West. *See condition #2*
20. A basic analysis of the gravel portion of 1600 West (Rural Road) is as follows:
 - a. The gravel portion of 1600 West provides access to several ag. parcels with an additional 11 residential properties to be added at the time the Nautica Subdivision is recorded.
 - b. A 66-foot wide ROW reflecting a 33-foot width from the center line on both sides of the existing roadway of gravel portion of 1600 West that borders the View of the Valley Subdivision has been dedicated to Cache County as parcel 01-065-0029.
 - c. The gravel portion of 1600 West does not meet the minimum county standard and is an 8 to 14-foot wide gravel road at this location. *See condition #3 & #4*
 - d. The depth and type of material under the gravel portion of 1600 West is unknown. *See condition #2.*

21. On June 14, 2016, the County Council approved the Nautica Subdivision on a property south of, and directly adjacent to, the proposed View of the Valley Subdivision property. The Nautica Subdivision approval:
- a. Required that the developer provide the necessary dedication of rights-of-way for public and private roadways to meet the minimum county standards as specified in the County Road Manual.
 - b. Required all substandard or new roadways providing access to the proposed Nautica Subdivision to be built to meet and/or exceed county roadway standards as found in the County Code and County Road Manual. *See condition #3.*
 - c. Extended county maintenance on 1600 West to a point just beyond the southern boundary of the View of the Valley Subdivision property. *See conclusion #2.*
 - i. The improvements necessary for the Nautica Subdivision may also provide the necessary roadway improvements for the View of the Valley Subdivision.

F. Service Provision

22. §16.04.080 [C] Fire Control – The County Fire District identified that the existing access is acceptable. Any future development on the property must be reevaluated and may require improvements based on the location of any proposed development. Water supply for fire suppression would be provided by the Hyrum City Fire Department.
23. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental Department provided the following comments regarding the proposed subdivision:
- a. An all-weather, level turn-around for large collection trucks must be provided at the south end of the development on 1600 West.
 - b. All residential carts must be placed on 1600 West for Tuesday collection.
 - c. Provide sufficient shoulder space along the side of the road for all containers to be placed 3-to-4 feet apart and must be far enough off the road so as not to interfere with passing traffic.
 - d. The road is narrow so some should improvement work may be required and 1600 West will need to be widened and improved to handle large truck traffic.
 - e. Winter drifting and/or slick weather conditions in this area can limit or cancel collection. Residents may need to occasionally hold their material over until the following scheduled collection day in the event of poor weather.
 - f. Alternatively, Logan City Environmental states the applicant could place refuse containers at the intersection of 6500 South 1600 West for collection.
24. §16.04.080 [D] School Bus Service – School bus service is located at a stop at 3605 West 2600 North.

G. Sensitive Areas

25. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
- a. The subject property has a canal that runs along the north and west boundaries of the subdivision as well as along the proposed property line for Lot 5.

H. Public Notice and Comment—§17.02.040 Notice of Meetings

26. Public notice was posted online to the Utah Public Notice Website on 28 June 2018.
27. Notice was published in the Herald Journal on 1 July 2018.
28. Notices were posted in three public places on 28 June 2018.
29. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 28 June 2018.
30. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (4)

Based on the Cache County Subdivision and Land Use Ordinances, Road Manual, and on the findings of fact as noted herein, staff recommends the following conditions:

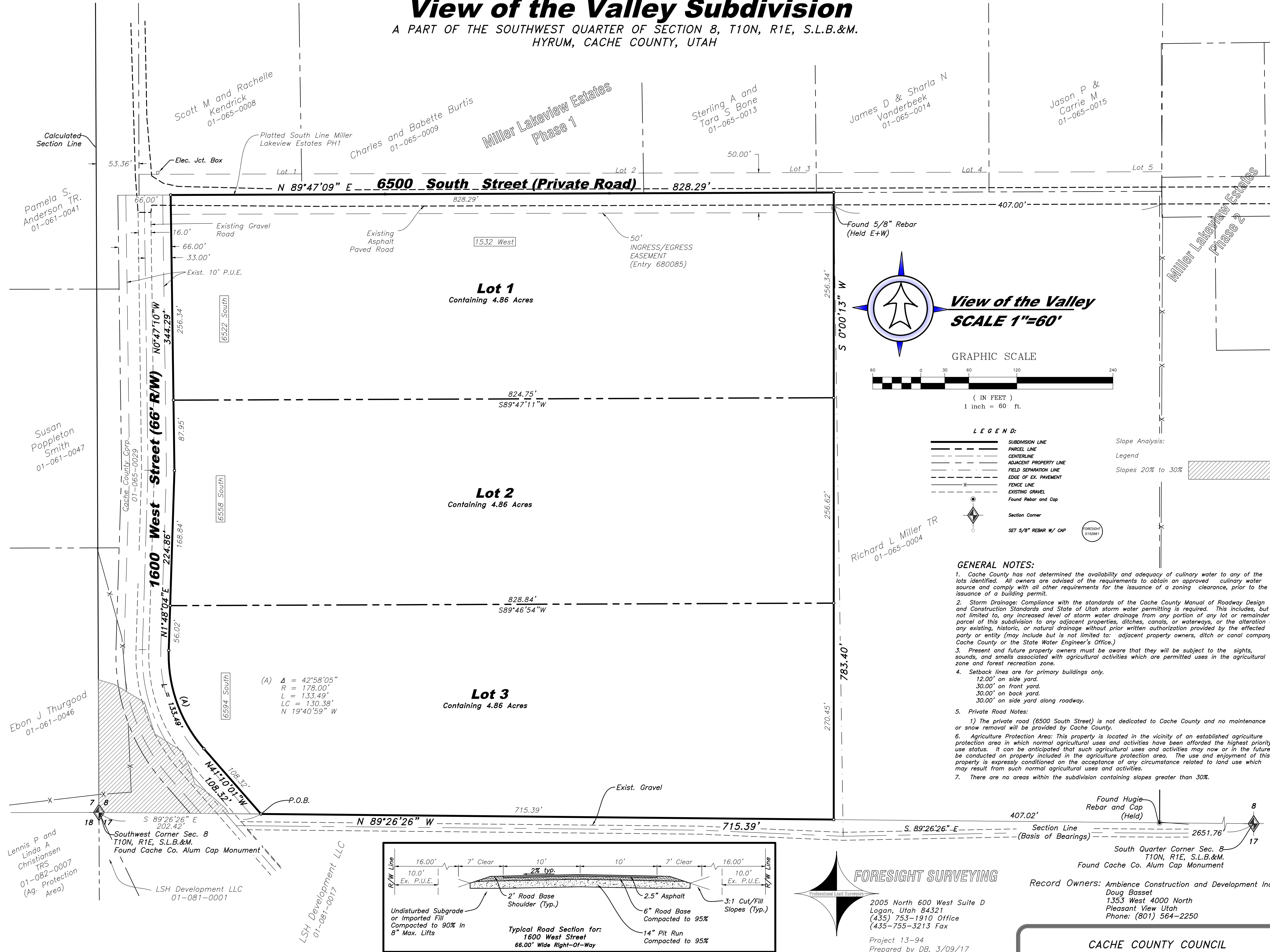
1. A Land Disturbance Permit is required for any future development. (*See D-6*)
2. Prior to recordation, the applicant must obtain approval of a design exception from the County Council regarding the surface material type and structural fill of 1600 West. (*See E-11-f, E-18, E-19-d*)
3. Prior to recording the plat, the substandard, gravel portion of 1600 West providing access to the proposed View of the Valley Subdivision must be built to meet and/or exceed county roadway standards as found in the County Code and County Road Manual. (*See E-19-c, E-20-b*)
4. Prior to recording the plat, the design of all roads providing access to the development must be reviewed and approved by the Cache County Engineer for compliance with applicable codes. A full set of engineered design and construction plans must be submitted and must address issues of grade, drainage, base preparation and construction, and surfacing for the road. Fees for any engineering plan review shall be borne by the proponent. (*See E-19-c, E-20-b*)

CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, staff recommends approval of the View of the Valley Subdivision as:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.
2. The County extended maintenance on 1600 West to a point just beyond the southern boundary of the View of the Valley Subdivision property.

View of the Valley Subdivision
A PART OF THE SOUTHWEST QUARTER OF SECTION 8, T10N, R1E, S.L.B.&M.
HYRUM, CACHE COUNTY, UTAH

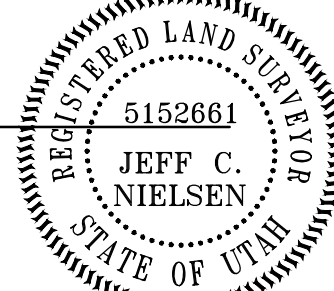


SURVEYOR'S CERTIFICATE

I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5152661 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH, I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS: VIEW OF THE VALLEY SUBDIVISION AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

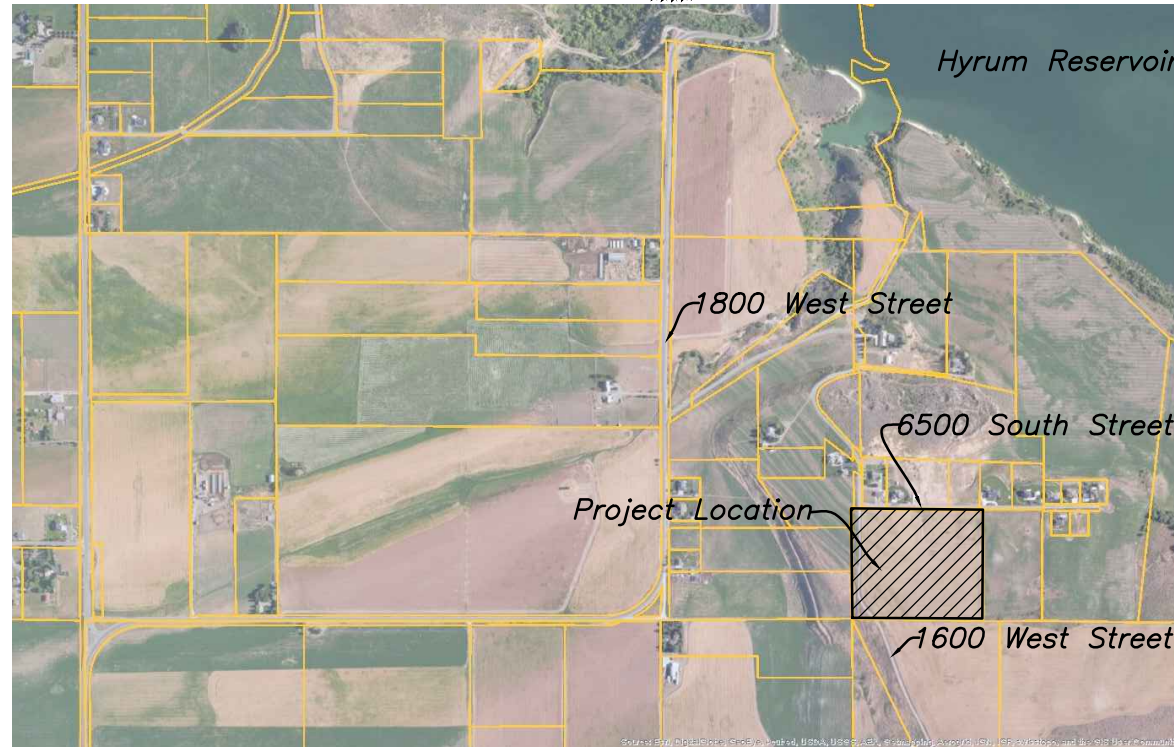
Subdivision Boundary

A PART OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 10 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF 1600 WEST STREET LOCATED SOUTH 89°26'26" EAST, A DISTANCE OF 202.42 FEET FROM THE CACHE COUNTY ALUMINUM CAP MONUMENT MARKING THE SOUTHWEST CORNER OF THE SAID SOUTHWEST QUARTER AND RUNNING THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES: (1) NORTH 41°10'01" WEST, A DISTANCE OF 108.32 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 178.00 FEET AND A CENTRAL ANGLE OF 42°58'05"; (2) NORTHERLY ALONG THE ARC A DISTANCE OF 133.49 FEET, CHORD BEARS NORTH 19°40'59" WEST A DISTANCE OF 130.38 FEET; (3) NORTH 01°48'04" EAST, A DISTANCE OF 224.86 FEET; (4) NORTH 00°47'10" WEST, A DISTANCE OF 344.29 FEET TO THE PLATTED SOUTH LINE OF MILLER LAKEVIEW ESTATES PHASE 1; THENCE NORTH 89°47'09" EAST, A DISTANCE OF 828.29 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF PARCEL 01-065-0004; THENCE SOUTH 00°00'13" WEST, A DISTANCE OF 783.40 FEET ALONG SAID WEST LINE TO THE SOUTH LINE OF THE SAID SOUTHWEST QUARTER; THENCE NORTH 89°26'26" WEST, A DISTANCE OF 715.39 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. CONTAINING 14.59 ACRES AND THREE LOTS.



SIGNATURE

DATE



OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DESCRIBED AND DESCRIBED HEREON, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS AND EASEMENTS (AS PERTAINS), THE WHOLE TO BE HEREINAFTER KNOWN AS THE "VIEW OF THE VALLEY SUBDIVISION". FURTHER, WE DEDICATE THE PORTION OF PROPERTY THAT LIES WITHIN 33' OF THE CENTERLINE OF THE ROADWAY SHOWN AS 1600 WEST STREET TO CACHE COUNTY FOR THE USE OF THE PUBLIC FOREVER, AND HEREBY GRANT TO THE COUNTY THE RIGHT TO MAKE ANY AND ALL IMPROVEMENTS FOR THE CONSTRUCTION, MAINTENANCE, AND REPAIR OF SAID ROADWAY.

Date _____ Name _____
Date _____ Name _____
Date _____ Name _____

STATE OF UTAH) SS. ACKNOWLEDGMENT

COUNTY OF CACHE)
THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS _____ DAY OF _____, 20____, BY _____, WHO PROVED ON BASIS OF _____ OF _____, AND IS SAID PERSON WHOSE NAME IS SUBSCRIBED TO THIS INSTRUMENT AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID _____ BY AUTHORITY OF ITS BYLAWS.
WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

COUNTY RECORDER

STATE OF UTAH,
COUNTY OF CACHE.
THIS PLAT HAS BEEN DULY ACKNOWLEDGED, CERTIFIED, AND APPROVED AND MAY LAWFULLY BE RECORDED IN CACHE COUNTY, UTAH.

FILED AND RECORDED:
FILING NO.: _____
DATE: _____
TIME: _____
BOOK: _____
PAGE: _____
REQUEST OF: _____

CACHE COUNTY RECORDER

DEPUTY COUNTY SURVEYOR'S CERTIFICATE

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE; AND FURTHER, IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.

DEPUTY COUNTY SURVEYOR _____ DATE _____

CACHE COUNTY PLANNING COMMISSION

THIS PLAT WAS RECOMMENDED FOR APPROVAL/DENIAL BY THE PLANNING COMMISSION ON THE _____ DAY OF _____, 20____.

DATED THIS _____ DAY OF _____, 20____.

BY: _____
CHAIR

COUNTY ATTORNEY APPROVAL

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE.

DATE _____
CACHE COUNTY ATTORNEY

BEAR RIVER HEALTH DEPT. APPROVAL

THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS _____ DAY OF _____, 20____.

BY: _____ TITLE: _____

CACHE COUNTY COUNCIL

THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY COUNCIL ON THE _____ DAY OF _____, 20____.
DATED THIS _____ DAY OF _____, 20____.

BY: _____ CHAIR

ATTESTED TO: _____
CACHE COUNTY CLERK

STAFF REPORT: JUNE WEST COWLEY LOT SPLIT SUBDIVISION 3RD AMD.

12 JULY 2018

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: Joshua Cowley

Parcel ID#: 12-017-0028

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

4000 West 2600 North

Benson

Current Zoning:

Agricultural (A10)

Acres: 14.21

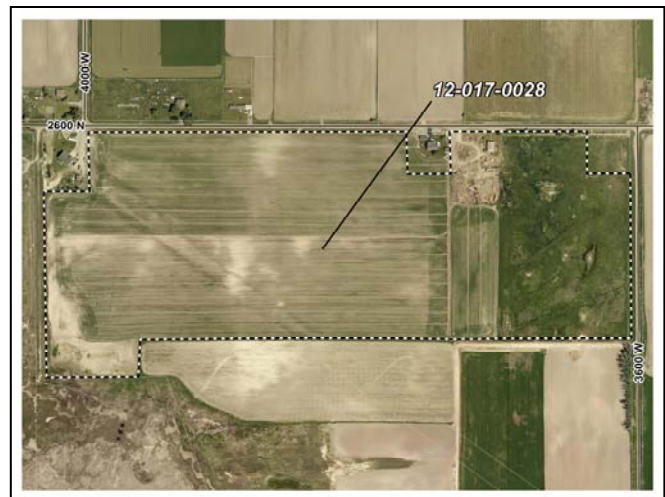
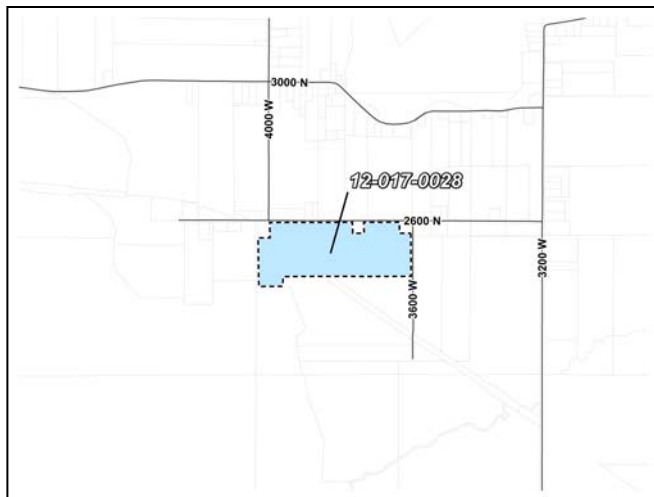
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural

East – Agricultural/Residential

West – Agricultural/Residential



FINDINGS OF FACT (20)

A. Request description

1. The June West Cowley Lot Split Subdivision 3rd Amendment is a request to divide Lot 2 (12-017-0028) of the previously approved 4-lot subdivision to create an additional developable lot, Lot 5.
 - a. Lot 2 (12-017-0028) will change from 64.8 acres to 63.79 acres.
 - b. The new lot, Lot 5, will be 1.0 acre.
 - c. There are no changes to Lot 1 (12-017-0077), Lot 3 (12-017-0088), or Lot 4 (12-017-0093), which are 1.0 acre, 1.47 acres, and 1.0 acre respectively.

B. Parcel legality

2. The original division of the property occurred through a lot split subdivision approved in August 2004. Two subdivision amendments have been approved, one in May 2009 and the other in September 2017.

C. Authority

3. §17.02.030 [E] Authority for Land Use Actions – The Planning Commission is authorized to act as the Land Use Authority for subdivision amendments.

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – A domestic, approved water right is required for each of the lots. The subdivision is located within the Benson Culinary Water Improvement District and the manager for the water district has submitted a letter stating that Lot 5 has been approved for connection to the water system.
5. §16.04.080 [B] Sewage Requirements – All proposed lots require a Bear River Health Department (BRHD) review to determine feasibility of a septic system on the subject property. The applicant has provided a copy of a septic feasibility letter from BRHD for the proposed Lot 5.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #1*

E. Access

7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
9. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - a. The layout of proposed roads;
 - b. An analysis of existing roadway compliance with the Road Manual requirements;
 - c. Existing maintenance;
 - d. And any additional impacts to the proposed development access roads.
10. The Road Manual specifies the following:
 - a. §2.1-A-4 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - b. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide paved travel lanes with 2-foot-wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - c. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
 - d. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14” depth of granular borrow, 6” depth of road base, and paved roads required an additional 2.5” depth of asphalt.
 - e. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
 - f. §1.8 Authority and Design Exception: Consideration and evaluation of a design exception to the Road Manual standards requires full justification and documentation explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or

construction method can meet the intent of the roadway standards, and including any other relevant information.

11. A basic review of the access to the existing lots identifies the following:

- a.** The existing & proposed lots gain access from 2600 North.
- b.** 2600 North:
 - i.** Is an existing county facility that provides access to the general public.
 - ii.** Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
 - iii.** Consists of an average 22-foot paved width with 4-foot wide gravel shoulders.
 - iv.** Has an unknown depth and type of material under the chip and seal surface.
 - v.** Is maintained year round. *See condition #2*

F. Service Provision

- 12. §16.04.080 [C] Fire Control** – The County Fire District identified that the existing access is acceptable. Any future development on the property must be reevaluated and may require improvements based on the location of any proposed development. Water supply for fire suppression would be provided by the Benson Water Company with fire hydrants located near the property.
- 13. §16.04.080 [F] Solid Waste Disposal** – Logan City Environmental Department currently provides service in this area along the north side of 2600 North for Monday collection. Any future development will also be required to locate containers on the north side and may require that the applicant provide sufficient shoulder space to place the containers 3-to-4 feet apart as to not interfere with passing traffic. Alternatively, Logan City Environmental states the applicant could place refuse containers west of the intersection for collection.
- 14. §16.04.080 [D] School Bus Service** – School bus service is located at a stop at 3605 West 2600 North.

G. Sensitive Areas

- 15. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area**
 - a.** The subject property has a canal that runs along the north and west boundaries of the subdivision as well as along the proposed property line for Lot 5.

H. Public Notice and Comment—§17.02.040 Notice of Meetings

- 16.** Public notice was posted online to the Utah Public Notice Website on 28 June 2018.
- 17.** Notice was published in the Herald Journal on 1 July 2018.
- 18.** Notices were posted in three public places on 28 June 2018.
- 19.** Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 28 June 2018.
- 20.** At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (2)

Based on the Cache County Subdivision and Land Use Ordinances, Road Manual, and on the findings of fact as noted herein, staff recommends the following conditions:

- 1.** A Land Disturbance Permit is required for any future development. (*See D-6*)
- 2.** Prior to recordation, the applicant must obtain approval of a design exception from the County Council regarding the surface material type and structural fill of 2600 North. (*See E-10, E-11*)

CONCLUSIONS (1)

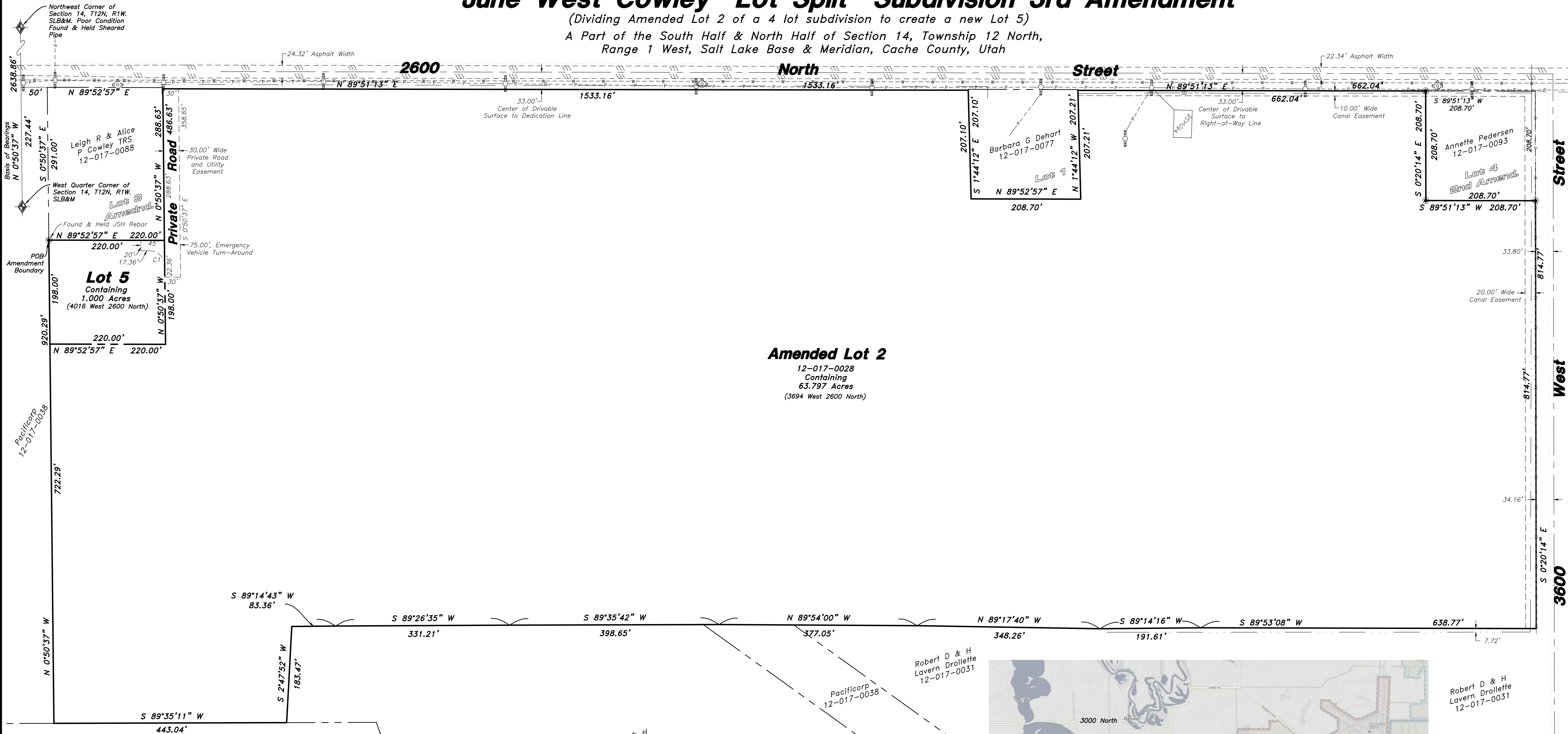
Based on the findings of fact and conditions noted herein, staff recommends approval of the June West Cowley Lot Split Subdivision 3rd Amendment as:

- 1.** It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.

June West Cowley "Lot Split" Subdivision 3rd Amendment

(Dividing Amended Lot 2 of a 4 lot subdivision to create a new Lot 5)

A Part of the South Half & North Half of Section 14, Township 12 North,
Range 1 West, Salt Lake Base & Meridian, Cache County, Utah



Amended Lot 2

12-017-0028
Containing
63.797 Acres
(3694 West 2600 North)

GENERAL NOTES:

A. Culinary Water Note:
Culinary Water: Cache County has not determined the availability or adequacy of culinary water to any of the lots identified. All owners are advised of the requirements to obtain an approved culinary water source and comply with all other requirements for the issuance of a zoning clearance, prior to the issuance of a building permit.

B. Storm Water Drainage Note:
Storm Water Drainage: Compliance with the standards of the Cache County Manual of Roadway Design and Construction Standards and State of Utah storm water permitting are required. This includes, but is not limited to, any increased level of storm water drainage from any portion of any lot or remainder parcel of this subdivision to any adjacent properties, ditches, canals, or waterways, or the alteration of any existing, historic, or natural drainage without prior written authorization provided by the effected party or entity (may include but is not limited to: adjacent property owner(s), ditch or canal company, Cache County, or the State Water Engineer's Office.)

C1
Δ = 89°16'26"
R = 28.00'
L = 43.63'
LC = 39.33'
N 45°28'50" W

NARRATIVE
The purpose of this survey was to amend the subdivision as shown and described hereon. The survey was ordered by Josh Cowley. The survey is located in Section 14, Township 12 North, Range 1 West, Salt Lake Base & Meridian. The basis of bearing is the West Line of the Northwest Quarter of said Section, which bears North 00°50'37" West, Localized Bearings per the Original Subdivision Plat and Rotated 0°14'32" from State Plane NAD83(2011) Grid Bearing.

C. Setback Lines for Primary Buildings are:
12.00' on Side Yard; 30.00' on Front Yard; 30.00' on Rear Yard

D. Agricultural Uses: Current and future property owners must be aware that they will be subject to the sights, sounds, and smells associated with agricultural activities which are permitted uses in the Agricultural Zone.

COUNTY ATTORNEY APPROVAL

I certify that I have examined this plat and approve this plat as to form as required by State law and County ordinance.

Cache County Attorney Date

DEPUTY COUNTY SURVEYOR'S CERTIFICATE

I certify that I have had this plat examined and find that it is correct and in accordance with the information on file in this office; and further, it meets the minimum standards for plats required by county ordinance and state law.

Deputy County Surveyor Date

COUNTY COUNCIL APPROVAL

Approved & Accepted by the Cache County Council, this _____ day of _____ A.D., 20__.

Chairperson

Attest: Clerk

COUNTY PLANNING COMMISSION

This plat recommended for approval by the Cache County Planning Commission this _____ day of _____ A.D., 20__.

Chairperson

BEAR RIVER HEALTH DEPARTMENT APPROVAL

This subdivision described in this plat has been approved by the Bear River Health Department on the _____ day of _____ A.D., 20__.

By:

Title:

SURVEYOR'S CERTIFICATE

I, Clinton G. Hansen, do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No. 7881387, as prescribed under the laws of the State of Utah, I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land hereafter to be known as June West Cowley "Lot Split" Subdivision 3rd Amendment and the same had been correctly surveyed and all streets are the dimensions shown.

Clinton G. Hansen
P.L.S. No. 7881387

Date

AMENDED SUBDIVISION BOUNDARY

A Part of Section 14, Township 12 North,
Range 1 West, Salt Lake Base & Meridian

Beginning at the Southwest Corner of Lot 3 of the June West Cowley "Lot Split" Subdivision Amended, Entry #1000950, at a Point Located 227.44 Feet North 00°50'37" West Along the West Line of the Northwest Quarter of said Section and 50.00 Feet North 89°52'57" East and 291.00 Feet South 00°50'37" East from the Southwest Corner of said Northwest Quarter and Running Thence Along the Perimeter of Amended Lot 2 of the June West Cowley "Lot Split" Subdivision 2nd Amendment, Entry #1182501, the Following Twenty (20) Courses: (1) North 89°52'57" East 220.00 Feet; (2) North 00°50'37" West 288.63 Feet; (3) North 89°51'13" East 1533.16 Feet; (4) South 01°44'12" East 207.10 Feet; (5) North 89°52'57" East 208.70 Feet; (6) North 01°44'12" West 207.21 Feet; (7) North 89°51'13" East 662.04 Feet; (8) South 00°20'14" East 208.70 Feet; (9) North 89°51'13" East 208.70 Feet; (10) South 00°20'14" East 814.77 Feet; (11) South 89°53'08" West 638.77 Feet; (12) South 89°14'16" West 191.61 Feet; (13) North 89°17'40" West 348.26 Feet; (14) North 89°54'00" West 377.05 Feet; (15) South 89°35'42" West 398.65 Feet; (16) South 89°26'33" West 331.21 Feet; (17) South 89°14'43" West 83.36 Feet; (18) South 02°47'52" West 183.47 Feet; (19) South 89°35'11" West 443.04 Feet; (20) North 00°50'37" West 920.29 Feet to the Point of Beginning. Containing 64.797 Acres.

OWNER'S DEDICATION

Know all men by these presents that we the undersigned owners of the tract of land (Parcel 12-017-0028) depicted and described hereon, having caused the same to be subdivided into lots and streets (as pertains), the whole to be hereinafter known as the "June West Cowley "Lot Split" Subdivision 3rd Amendment", Further we dedicate and/or quit claim as appropriate the portion of property of [12-017-0028] that lies within 33' of the center line of the existing roadway, and as shown on this plat, to cache county, for the use of the public forever, and hereby grant to the county the right to make any and all improvements for the construction, maintenance, and repair of said roadway. Also, we hereby grant and convey, to Benson Irrigation Company, an easement for their canal as depicted hereon, we hereby set our signatures

Leigh R. Cowley Date

LLC ACKNOWLEDGMENT

State of Utah

County of _____

On this _____ day of _____, 20__.

Leigh R. Cowley, Agent for the CC Ranch Family, LLC, personally appeared before me, the undersigned notary public in and for said county, in the state of Utah, the signer of the attached owners dedication, who duly acknowledged to me he signed it freely and voluntarily and for the purpose therein mentioned on behalf of said Company.

Notary Public

COUNTY RECORDER

State of Utah
County of Cache

This plat has been duly acknowledged, certified, and approved and may lawfully be recorded in Cache County, Utah.

Filed and Recorded:
Filing No.: _____
Date: _____
Time: _____
Book: _____
Page: _____
Request of: _____

Cache County Recorder

STAFF REPORT: R RAFTER L SUBDIVISION 1ST AMENDMENT

12 JULY 2018

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: Lindsey Richards

Parcel ID#: 16-046-0003, -0055

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

10750 South Old Hwy 165

Avon

Current Zoning:

Agricultural (A10)

Acres: 22.86 acres

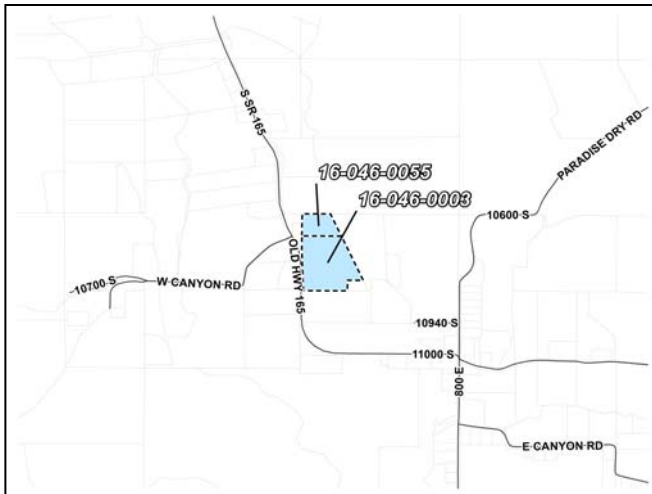
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



FINDINGS OF FACT (20)

A. Request description

1. The R Rafter L Subdivision 1st Amendment is a request to adjust the boundary lines between the two existing lots. The boundary line adjustment will increase Lot 1 from 5.0 acres to 6.81 acres, expanding the boundary to include the private access drive from the county road to the existing single-family residence that currently crosses over Lot 2. Lot 2 will decrease in size from 17.78 acres to 16.05 acres.

B. Parcel legality

2. The original two-lot subdivision was approved in December 2011.

C. Authority

3. §17.02.030 [E] Authority for Land Use Actions – The Planning Commission is authorized to act as the Land Use Authority for subdivision amendments. *See conclusion #1.*

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – A domestic, approved water right is required for each of the lots. The State Division of Water Rights has an approved water right (#25-931, #25-11124/a38003) on file for domestic water shares on each lot of the subdivision. The water right for Lot 2 (#25-931) appears to be in a different name than the current owner of the property. *See condition #1*
5. §16.04.080 [B] Sewage Requirements – As no new lots are being proposed, the applicant is not required to provide a septic system feasibility letter for this subdivision.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #2.*

E. Access

7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
9. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - a. The layout of proposed roads;
 - b. An analysis of existing roadway compliance with the Road Manual requirements;
 - c. Existing maintenance;
 - d. And any additional impacts to the proposed development access roads.
10. The Road Manual specifies the following:
 - a. §2.1-A-3 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - b. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide paved travel lanes with 2-foot-wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - c. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
 - d. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14” depth of granular borrow, 6” depth of road base, and paved roads required an additional 2.5” depth of asphalt.
 - e. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
 - f. §1.8 Authority and Design Exception: Consideration and evaluation of a design exception to the Road Manual standards requires full justification and documentation explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or construction method can meet the intent of the roadway standards, and including any other relevant information.

11. A basic review of the access to the existing lots identifies the following:
 - a. Primary access to the properties is from Hwy 165, a county road.
 - b. Highway 165:
 - i. Was formally a facility under the jurisdiction of the Utah Department of Transportation (UDOT), but was transferred to the county.
 - ii. Is a 29 feet wide paved road with 8-foot gravel shoulders.
 - iii. Has an unknown depth and type of material, however, as a previous UDOT facility this likely exceeds the county minimums.
 - iv. Is an existing county facility that provides access to the general public.
 - v. There will not be an increase in average daily trips due to this proposed amendment as no additional lots are being created.
 - vi. Has year round county maintenance at this location.

F. Service Provision

12. §16.04.080 [C] Fire Control – The County Fire District did not have any comment or concerns about the proposed boundary line adjustment.
13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the proposed subdivision amendment.
14. §16.04.080 [D] School Bus Service – The Cache County School District provides a school bus top at approximately 10800 South Hwy 165.

G. Sensitive Areas

15. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. A canal runs through the east side of the subdivision.
 - b. An area of moderate and steep slopes is located on Lot 2. Additional review and analysis may be required for any proposed development in this location.

H. Public Notice and Comment—§17.02.040 Notice of Meetings

16. Public notice was posted online to the Utah Public Notice Website on 28 June 2018.
17. Notice was published in the Herald Journal on 1 July 2018.
18. Notices were posted in three public places on 28 June 2018.
19. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 28 June 2018.
20. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (2)

Based on the Cache County Subdivision and Land Use Ordinances, Road Manual, and on the findings of fact as noted herein, staff recommends the following conditions:

1. Prior to recordation, the applicant must provide proof of a domestic culinary water right in the owner's name for Lot 2. (*See D-4*)
2. A Land Disturbance Permit is required for any future development. (*See D-6*)

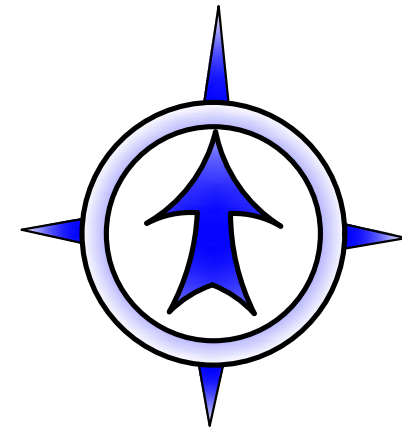
CONCLUSIONS (1)

Based on the findings of fact and conditions noted herein, staff recommends approval of the R Rafter L Subdivision 1st Amendment as:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.

R Rafter L Subdivision 1st Amendment

Amending the Boundary Line Between Lot 1 and Lot 2
A PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 1 EAST OF THE S.L.B.&M.
AVON, CACHE COUNTY, UTAH



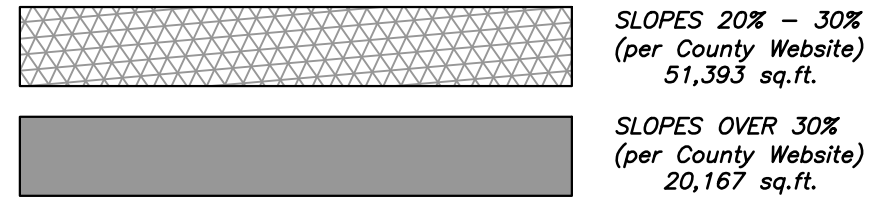
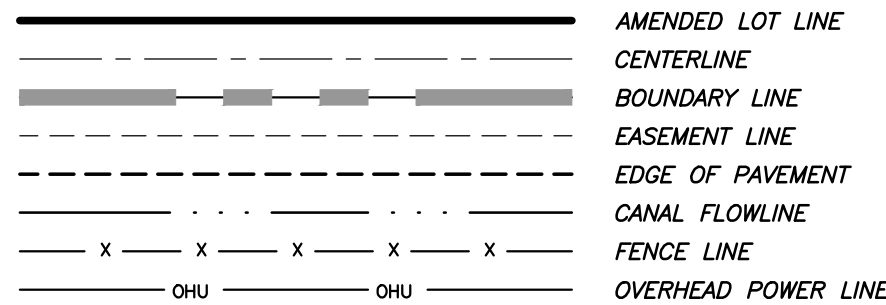
May 1, 2018

GRAPHIC SCALE



(IN FEET)
1 inch = 150 ft.

LEGEND:



POWER POLE

SECTION CORNER

SET 1/2" REBAR W/CAP

THE PURPOSE OF THIS AMENDMENT IS TO ADJUST THE LINE BETWEEN LOT 1 AND LOT 2, AND THE SOUTHEAST AND SOUTHWEST LINES OF LOT 2.

LOT 1 DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE MONUMENT MARKING THE NORTH QUARTER CORNER OF SAID SECTION 10 AND RUNNING THENCE SOUTH 89°41'17" EAST, A DISTANCE OF 478.50 FEET ALONG THE NORTH LINE OF SAID SECTION 10; THENCE SOUTH 26°05'07" EAST, A DISTANCE OF 425.00 FEET; THENCE SOUTH 71°34'50" WEST, A DISTANCE OF 544.23 FEET; THENCE SOUTH 61°59'52" WEST, A DISTANCE OF 146.58 FEET; THENCE SOUTH 02°09'25" EAST, A DISTANCE OF 96.42 FEET; THENCE SOUTH 87°50'35" WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH 02°09'25" WEST, A DISTANCE OF 94.39 FEET; THENCE NORTH 00°01'41" EAST, A DISTANCE OF 627.88 FEET TO THE POINT OF BEGINNING. CONTAINING 6.813 ACRES.

LOT 2 DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT LOCATED SOUTH 89°41'17" EAST, A DISTANCE OF 478.50 FEET ALONG THE NORTH LINE OF SAID SECTION 10 AND SOUTH 26°05'07" EAST, A DISTANCE OF 425.00 FEET FROM THE MONUMENT MARKING THE NORTH QUARTER CORNER OF SAID SECTION 10 AND RUNNING THENCE SOUTH 26°05'07" EAST, A DISTANCE OF 862.05 FEET TO AN EXISTING FENCE; THENCE ALONG SAID FENCE LINE THE FOLLOWING TWO (2) COURSES:
(1) NORTH 86°55'24" WEST, A DISTANCE OF 280.09 FEET (N89°25'37"W, 264.40' B.R.);
(2) SOUTH 02°07'23" WEST, A DISTANCE OF 179.87 FEET (S1°04'28"W, 183.70' B.R.); THENCE NORTH 89°41'17" WEST, A DISTANCE OF 742.61 FEET (N89°25'37"W, 742.00' B.R.) TO THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 165; THENCE NORTH 0°40'48" WEST, A DISTANCE OF 397.87 FEET (N2°03'35"W, 398.23' B.R.) ALONG SAID EAST LINE; THENCE NORTH 02°09'25" WEST, A DISTANCE OF 199.33 FEET; THENCE NORTH 87°50'35" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 02°09'25" WEST, A DISTANCE OF 96.42 FEET; THENCE NORTH 61°59'52" EAST, A DISTANCE OF 146.58 FEET; THENCE NORTH 71°34'50" EAST, A DISTANCE OF 544.23 FEET TO THE POINT OF BEGINNING. CONTAINING 16.049 ACRES.

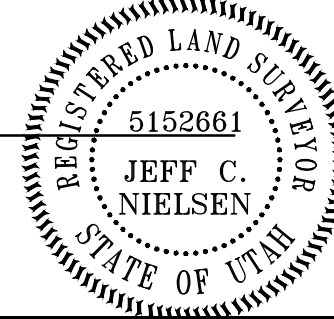
SURVEYOR'S CERTIFICATE

I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5152661 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS: R RAFTER L SUBDIVISION 1st AMENDMENT AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

Subdivision Amendment Boundary

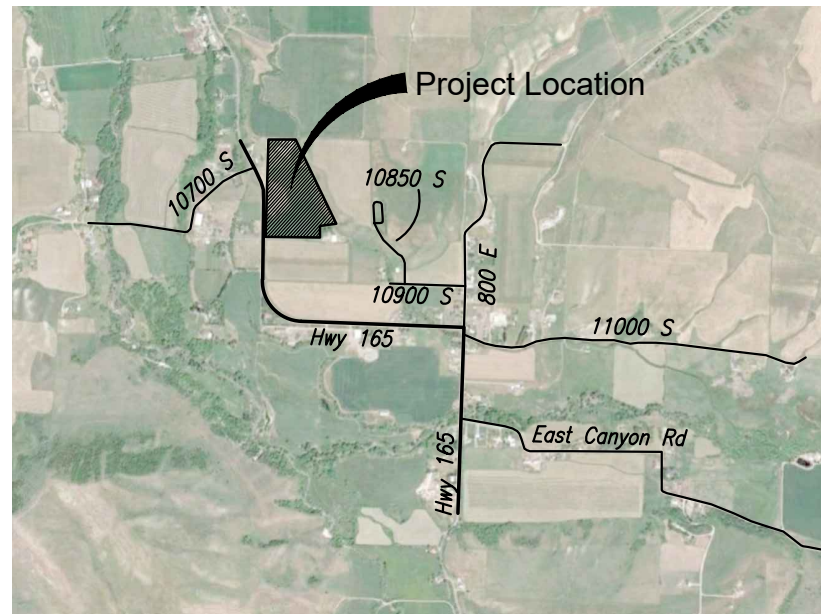
PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE MONUMENT MARKING THE NORTH QUARTER CORNER OF SAID SECTION 10 AND RUNNING THENCE SOUTH 89°41'17" EAST, A DISTANCE OF 478.50 FEET ALONG THE NORTH LINE OF SAID SECTION 10; THENCE SOUTH 26°05'07" EAST, A DISTANCE OF 1287.05 FEET (S25°49'27"E 1267.60' B.R.) TO AN EXISTING FENCE; THENCE ALONG SAID FENCE LINE THE FOLLOWING TWO (2) COURSES:
(1) NORTH 86°55'24" WEST, A DISTANCE OF 280.09 FEET (N89°25'37"W 264.40' B.R.);
(2) SOUTH 2°07'23" WEST, A DISTANCE OF 179.87 FEET (S1°04'28"W 183.70' B.R.); THENCE NORTH 89°41'17" WEST, A DISTANCE OF 742.61 FEET (N89°25'37"W 742.00' B.R.) TO THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 165; THENCE NORTH 0°40'48" WEST, A DISTANCE OF 397.87 FEET (N2°03'35"W 398.23' B.R.) ALONG SAID EAST LINE; THENCE NORTH 2°09'25" WEST, A DISTANCE OF 293.72 FEET; THENCE NORTH 0°01'41" EAST, A DISTANCE OF 627.88 FEET TO THE POINT OF BEGINNING. CONTAINING 22.86 ACRES



SIGNATURE

DATE



Vicinity Map
Avon, Cache County, Utah

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED AND DESCRIBED HEREON, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS (AS PERTAINS), THE WHOLE TO BE HERINAFTER KNOWN AS THE "R RAFTER L SUBDIVISION 1st AMENDMENT". FURTHER, WE DEDICATE THE PORTION OF PROPERTY THAT LIES WITHIN 33' OF THE CENTERLINE OF THE ROADWAY SHOWN AS HIGHWAY 165 TO CACHE COUNTY FOR THE USE OF THE PUBLIC FOREVER, AND HEREBY GRANT TO THE COUNTY THE RIGHT TO MAKE ANY AND ALL IMPROVEMENTS FOR THE CONSTRUCTION, MAINTENANCE, AND REPAIR OF SAID ROADWAY.

Date

Name

Date

Name

Date

Name

Date

Name

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF CACHE) SS.

THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS _____ DAY OF _____, 20____, BY _____, WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF CACHE) SS.

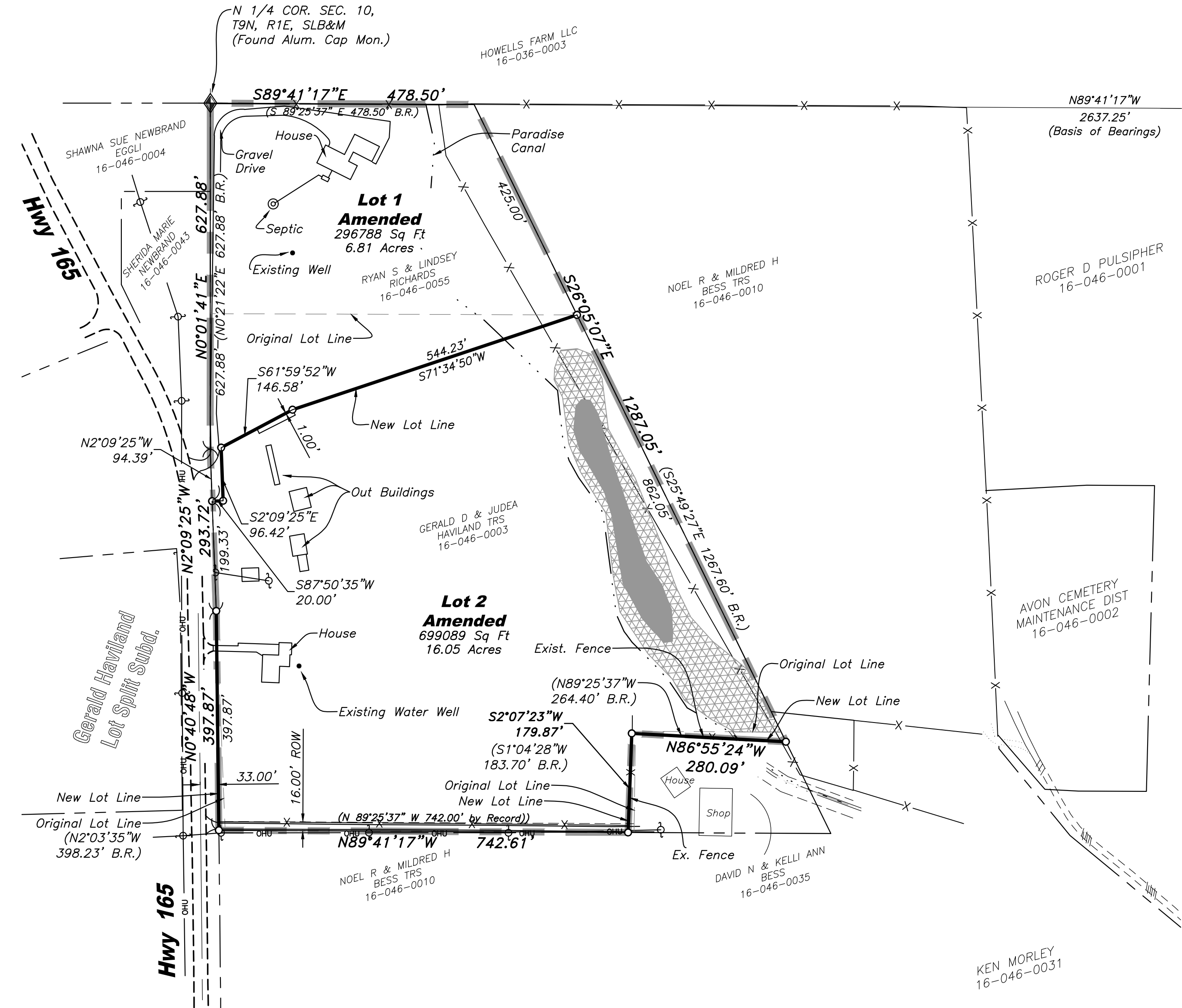
THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS _____ DAY OF _____, 20____, BY _____, WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

COUNTY RECORDER'S NO.

STATE OF UTAH, COUNTY OF _____, RECORDED AND FILED
AT THE REQUEST OF: _____
DATE: _____ TIME: _____ FEE: _____
ABSTRACTED _____
INDEX _____
FILED IN: FILE OF PLATS COUNTY RECORDER



GENERAL NOTES:

- Culinary Water: Cache County has not determined the availability or adequacy of culinary water to any of the lots identified. All owners are advised of the requirements to obtain an approved culinary water source and comply with all other requirements for the issuance of a zoning clearance prior to the issuance of a building permit.
- Storm Water Drainage: Compliance with the standards of the Cache County Manual of Roadway Design and Construction Standards and State of Utah storm water permitting are required; this includes, but is not limited to, any increased level of storm water drainage from any portion of any lot or remainder parcel of this subdivision to any adjacent properties, ditches, canals, or waterways, or the alteration of any existing, historic, or natural drainage without prior written authorization provided by the effected party or entity (may include but is not limited to: adjacent property owner(s), ditch or canal company, Cache County, or the State Water Engineer's Office).
- Agricultural Uses: Current and future property owners must be aware that they will be subject to the sights, sounds and smells associated with agricultural activities which are permitted uses in the Agricultural Zone and Forest Recreation Zone.
- Pursuant to Utah Code Ann. 54-3-27 this plat conveys to the owner(s) or operators of utility facilities a public utility easement along with all the rights and duties described therein.
- Pursuant to Utah Code Ann. 17-27a-603(4)(c)(i) Rocky Mountain Power accepts delivery of the PUE as described in this plat and approves this plat solely for the purpose of confirming that the plat contains public utility easements and approximates the location of the public utility easements, but does not warrant their precise location. Rocky Mountain Power may require other easements in order to serve this development. This approval does not affect any right that Rocky Mountain Power has under:
(1) a recorded easement or right-of-way
(2) the law applicable to prescriptive rights
(3) Title 54, Chapter 8a, Damage to Underground Utility Facilities or any other provision of law.
- Setback lines are for primary buildings only.

Front: 30.00'
Rear: 25.00'
Side: 10.00'
Side along Roadway: 25.00'

BEAR RIVER HEALTH DEPT. APPROVAL

THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS _____ DAY OF _____, 20____.

BY: _____ TITLE: _____

DIRECTOR OF DEVELOPMENT SERVICES

THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY DIRECTOR OF DEVELOPMENT SERVICES ON THIS _____ DAY OF _____, 20____.

BY: _____
DIRECTOR

COUNTY ATTORNEY APPROVAL

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE.

DATE _____ CACHE COUNTY ATTORNEY

DEPUTY COUNTY SURVEYOR'S CERTIFICATE

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE; AND FURTHER, IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.

DEPUTY COUNTY SURVEYOR DATE _____

STAFF REPORT: WILLDEN POND SUBDIVISION 1ST AMENDMENT

12 JULY 2018

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: Amy Willden

Parcel ID#: 11-028-0022, -0027, -0030, -0031

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

1312 South 3200 West

Young Ward

Current Zoning:

Agricultural (A10)

Acres: 79.04 acres

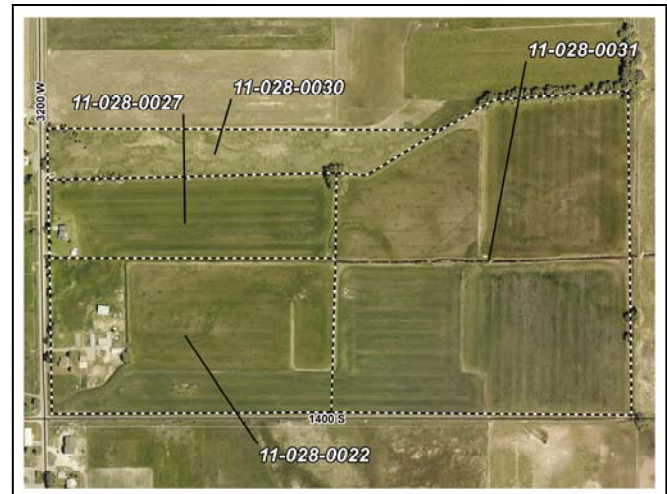
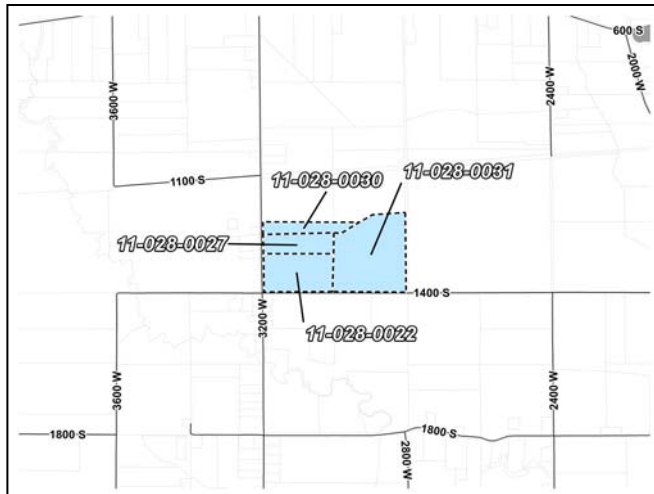
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural

West – Agricultural/Residential



FINDINGS OF FACT (21)

A. Request description

1. The Willden Pond Subdivision 1st Amendment is a request to amend a previously approved Conditional Use Permit (CUP) for a subdivision by creating two buildable lots and four agricultural remainders.
 - a. Lot 1 has an existing single-family residence and will be 0.52 acres;
 - b. Lot 2 has an existing single-family residence and will be 0.60 acres;
 - c. Agricultural Remainder A will be 8.11 acres;
 - d. Agricultural Remainder B will be 10.03 acres;
 - e. Agricultural Remainder C will be 19.37 acres; and
 - f. Agricultural Remainder D will be 39.92 acres.

B. Parcel legality

2. In March 1995, parcels 11-029-0003, -0004, -0005, and -0006 were combined into one parcel 11-028-0022 (79.47 acres). A CUP was recorded on 29 April 1997 for the division of one acre from 11-028-0022 for the construction of a single family dwelling, which became 11-028-0027. In October 2004, the remaining 78.46 acres was again divided further, which adjusted boundaries of the two approved parcels and created two additional parcels: 11-028-0022 (20.36 acres), 11-028-0027 (10.63 acres), 11-028-0030 (8.11 acres), and 11-028-0031 (39.94 acres). The division in 2004 was done without Land Use Authority. All four parcels are currently considered restricted and cannot be developed. This proposed subdivision amendment will remove the restrictions once the approved plat is recorded.

C. Authority

3. §17.02.030 [E] Authority for Land Use Actions – The Planning Commission is authorized to act as the Land Use Authority for subdivision amendments. *See conclusion #1.*

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – A domestic, approved water right is required for each of the lots. The State Division of Water Rights has approved water rights for Lots 1 & 2 (#25-9825 & #25-2093/a23821). As no new buildable lots are proposed, additional water rights are not required.
5. §16.04.080 [B] Sewage Requirements – As no new lots are being proposed, the applicant is not required to provide a septic system feasibility letter for this subdivision amendment. The Bear River Health Department (BRHD) has confirmed the existing septic systems for the existing single-family residences on Lots 1 & 2.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #1.*

E. Access

7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
9. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - a. The layout of proposed roads;
 - b. An analysis of existing roadway compliance with the Road Manual requirements;
 - c. Existing maintenance;
 - d. And any additional impacts to the proposed development access roads.
10. The Road Manual specifies the following:
 - a. §2.1-A-4 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - b. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide paved travel lanes with 2-foot-wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - c. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.

- d. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14" depth of granular borrow, 6" depth of road base, and paved roads required an additional 2.5" depth of asphalt.

11. A basic review of the access to the existing lots identifies the following:

- a. The lots gain access from 3200 West and 1400 South.
- b. 1400 South:
 - i. Is an existing county facility that provides farm access to Agricultural Remainder D.
 - ii. Is a dirt road and is not maintained.
 - iii. Agricultural access is exempt from road standard requirements.
- c. 3200 West:
 - i. Is an existing county facility that provides access to the general public.
 - ii. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
 - iii. Consists of an average 24-foot paved width with 4-foot wide gravel shoulders.
 - iv. Has an unknown depth and type of material under the chip and seal surface.
 - v. Is maintained year round.
 - vi. There are no additional buildable lots proposed as part of this subdivision amendment as a result there will be no impact to average daily trips on the road.

F. Service Provision

- 12. §16.04.080 [C] Fire Control – The County Fire District identified that the existing access is acceptable. Any future development on the property must be reevaluated and may require improvements based on the location of any proposed development. Water supply for fire suppression would be provided by the Logan City Fire Department.
- 13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental Department currently provides service in this area along the west side of 3200 West for Monday collection. The applicant will need to locate containers on the north side; this may require that the applicant provide sufficient shoulder space to place the containers 3-to-4 feet apart as to not interfere with passing traffic.
- 14. §16.04.080 [D] School Bus Service – The Cache County School District provides a bus stop at 1300 South 3200 West.

G. Sensitive Areas

- 15. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. Multiple canals run through the subdivision.
 - b. Areas of potential wetlands are located within Agricultural Remainder A.
 - c. Portions of the subdivision lie within the 300-foot buffer of an Agricultural Protection Area.
 - d. Additional review and analysis may be required for any proposed development in these sensitive area locations.

H. Public Notice and Comment—§17.02.040 Notice of Meetings

- 16. Public notice was posted online to the Utah Public Notice Website on 28 June 2018.
- 17. Notice was published in the Herald Journal on 1 July 2018.
- 18. Notices were posted in three public places on 28 June 2018.
- 19. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 28 June 2018.
- 20. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (1)

Based on the Cache County Subdivision and Land Use Ordinances, Road Manual, and on the findings of fact as noted herein, staff recommends the following conditions:

1. A Land Disturbance Permit is required for any future development. (*See D-6*)

CONCLUSIONS (1)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Willden Pond Subdivision 1st Amendment as:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.

P.O. BOX 300 • WELLSVILLE, UTAH 84339
(435) 245-9090 * TOLL FREE 1-888-420-0268 * FAX (435) 255-9669

TRUSTEE ACKNOWLEDGEMENT

ANDERSON

STATE OF UTAH
COUNTY OF _____
ON THIS _____ DAY OF _____, 20____

THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC
THIS _____ DAY OF _____, 20____, BY NEIL F ANDERSON.

WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO TRUSTEE OF THE _____, TRUST
DATED _____, AND IS/ARE SAID PERSON/S WHOSE NAME/S IS/ARE SUBSCRIBED TO
THIS INSTRUMENT AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER/THEM IN BEHALF OF SAID TRUST.
BY AUTHORITY OF ITS BYLAWS.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

TRUSTEE ACKNOWLEDGEMENT

ADAMS

STATE OF UTAH
COUNTY OF _____
ON THIS _____ DAY OF _____, 20____

THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC
THIS _____ DAY OF _____, 20____, BY R. JEFFREY & RUTH C ADAMS.

WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO TRUSTEE'S OF THE _____, TRUST
DATED _____, AND IS/ARE SAID PERSON/S WHOSE NAME/S IS/ARE SUBSCRIBED TO
THIS INSTRUMENT AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER/THEM IN BEHALF OF SAID TRUST.
BY AUTHORITY OF ITS BYLAWS.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

NOTARY ACKNOWLEDGMENT

WILLDEN

STATE OF UTAH
COUNTY OF CACHE

THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME,
THE UNDERSIGNED NOTARY PUBLIC:
THIS _____ DAY OF _____, 20____.
BY DENNIS L & AMY WILLDEN.

WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S)
WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

TRUSTEE ACKNOWLEDGEMENT

OLSEN

ON THIS _____ DAY OF _____, 20____

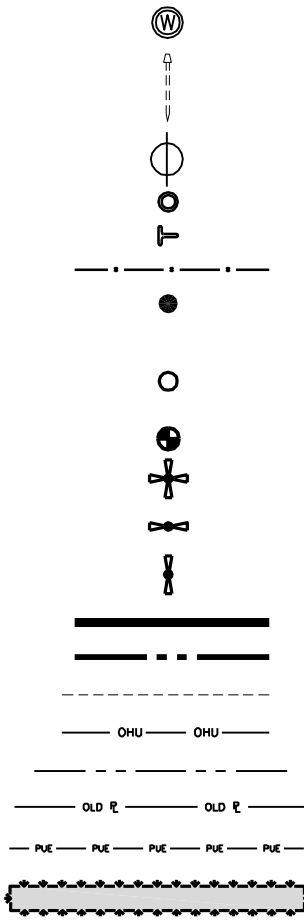
THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC
THIS _____ DAY OF _____, 20____, BY NOLAN D & JANET OLSEN.

WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO TRUSTEE'S OF THE _____, TRUST
DATED _____, AND IS/ARE SAID PERSON/S WHOSE NAME/S IS/ARE SUBSCRIBED TO
THIS INSTRUMENT AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER/THEM IN BEHALF OF SAID TRUST.
BY AUTHORITY OF ITS BYLAWS.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

LEGEND



EXISTING WELL
BURIED GAS SIGN
UTILITY POLE
FENCE POST
T-BAR FENCE POST
FENCE LINE
EXISTING PROPERTY CORNER
(TYPE AS NOTED)
TO BE SET: 5/8" REBAR
WITH RLS 325023 CAP
RIGHT OF WAY MARKER
SECTION CORNER
NORTH OR SOUTH 1/4 SECTION CORNER
EAST OR WEST 1/4 SECTION CORNER
SUBDIVISION BOUNDARY
NEW PROPERTY LINE
BURIED GAS LINE
OVERHEAD UTILITIES
EXISTING PROPERTY LINES
OLD PROPERTY LINE
10' DEDICATED PUBLIC UTILITY EASEMENT
WETLANDS PER U.S. FISH & WILDLIFE
SERVICE NATIONAL WETLANDS INVENTORY
30%+ SLOPES
20%-30% SLOPES

ALL STEEP SLOPES ARE FOUND WITHIN
THE EXISTING DITCHES, CANALS, AND
DRAINAGES

STAFF REPORT: BROOKSBY CREEK SUBDIVISION 1ST AMENDMENT

12 JULY 2018

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: David Brooksby

Parcel ID#: 09-044-0013

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

11200 North 2000 East

Richmond

Current Zoning:

Agricultural (A10)

Acres: 35.0 acres

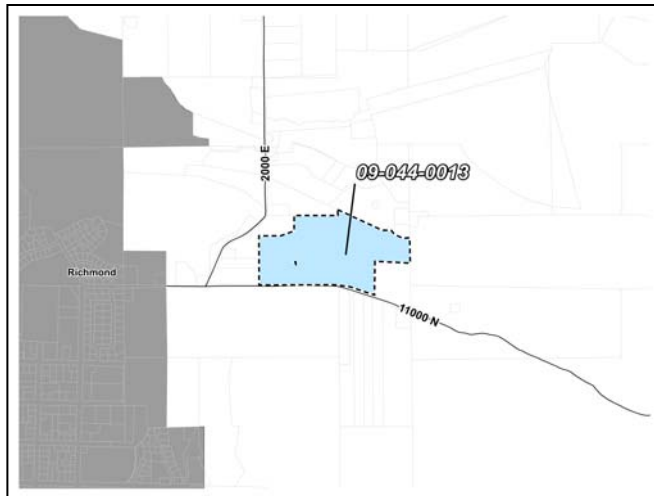
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Forest Recreation

West – Agricultural/Residential



FINDINGS OF FACT (20)

A. Request description

1. The Brooksby Creek Subdivision 1st Amendment is a request to reduce the subdivision boundary, create two new lots, and remove the agricultural remainder in the existing one-lot subdivision.
 - a. The acreage within the subdivision boundary will decrease from 74.5 acres to 35.0 acres;
 - b. Lot 1 will not be amended and will remain at 5.0 acres;
 - c. Lot 2 will be 15.0 acres;
 - d. Lot 3 will be 15.0 acres;
 - e. An adjacent parcel (09-045-0003) will increase from 10.0 acres to 50.2 acres when the subdivision boundary is amended, but is not a part of the subdivision.

B. Parcel legality

2. In 2015, the Brooksby Creek Subdivision was approved for a one-lot subdivision with an agricultural remainder, not eligible for development. The subject property is the agricultural remainder for that subdivision.

C. Authority

3. §17.02.030 [E] Authority for Land Use Actions – The Planning Commission is authorized to act as the Land Use Authority for subdivision amendments. *See conclusion #1.*

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – A domestic, approved water right is required for each of the lots. There is an approved, active water right for Lot 1 (#25-11283/a40880). The water rights (#25-11493/a43597) for the new Lots 2 & 3 are in process with the State Division of Water Rights. The water rights for Lots 2 & 3 must be approved prior to the plat being recorded. *See condition #1*
5. §16.04.080 [B] Sewage Requirements – All proposed lots require a Bear River Health Department (BRHD) review to determine feasibility of a septic system on the subject property. The applicant has provided a copy of a septic feasibility letter from BRHD for the proposed Lots 2 & 3.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #2.*

E. Access

7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
9. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - a. The layout of proposed roads;
 - b. An analysis of existing roadway compliance with the Road Manual requirements;
 - c. Existing maintenance;
 - d. And any additional impacts to the proposed development access roads.
10. The Road Manual specifies the following:
 - a. §2.1-A-3 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - b. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide paved travel lanes with 2-foot-wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - c. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
 - d. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14” depth of granular borrow, 6” depth of road base, and paved roads required an additional 2.5” depth of asphalt.
 - e. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.

11. A basic review of the access to the existing lots identifies the following:
 - a. Primary access to the two proposed lots is from 11000 North, a county road.
 - b. 11000 North:
 - i. Is an existing county facility that provides access to the general public.
 - ii. Currently provides access to multiple dwellings, vacant lots, agricultural parcels, and the Cherry Peak Ski Area.
 - iii. Consists of an average 22-foot paved width with 4-foot wide gravel shoulders.
 - iv. Is maintained year round.

F. Service Provision

12. §16.04.080 [C] Fire Control – The County Fire District identified that the existing access is acceptable. Any future development on the property must be reevaluated and may require improvements based on the location of any proposed development. Water supply for fire suppression would be provided by the Richmond City Fire Department.
13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental Department provides service in this area along the 11000 North for Friday collection. Any future development may be required to improve the shoulder to provide sufficient space to space the containers 3-to-4 feet apart and will not interfere with passing traffic as this is a busy road. Additionally, Logan City Environmental cautions that winter weather conditions can create drifting and slick roads that can limit or cancel collection so residents may have to occasionally hold their material over until the next scheduled collection day.
14. §16.04.080 [D] School Bus Service – The Cache County School District provides a school bus stop at 11200 North 2000 East.

G. Sensitive Areas

15. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. Wetlands and moderate slopes may be located within the subdivision boundary, but do not appear to be located on the proposed Lots #2 & 3.
 - b. Portions of a zone 2 source water protection area are located along the southern boundary of the subdivision. Proposed septic systems are not permitted within this protection zone.
 - c. In March 2018, prior to the subdivision amendment application being submitted, staff received a letter from the property owners' of parcel #'s 09-044-0013 & -0053 regarding a surface spring that is located in the middle of the subject property and provides culinary water for the two parcels (Attachment A). The surface spring is identified by its own parcel number 09-044-0019. In the letter, the property owners state they will be commissioning a study to designate a source water protection area around the spring. It was anticipated that the study would be completed in April 2018. As of this date, the property owners have not contacted staff again about the spring or the study being conducted.
 - d. A fault line crosses this property, but the specific location is not known. A geotechnical report is required as specified in Cache County Ordinance §17.18.060. *See condition #3*

H. Public Notice and Comment—§17.02.040 Notice of Meetings

16. Public notice was posted online to the Utah Public Notice Website on 28 June 2018.
17. Notice was published in the Herald Journal on 1 July 2018.
18. Notices were posted in three public places on 28 June 2018.
19. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 28 June 2018.
20. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (3)

Based on the Cache County Subdivision and Land Use Ordinances, Road Manual, and on the findings of fact as noted herein, staff recommends the following conditions:

1. Prior to recordation, the applicant must provide proof of approved domestic culinary water rights in the owner's name for Lots 2 & 3. (*See D-4*)
2. A Land Disturbance Permit is required for any future development. (*See D-6*)
3. A geotechnical report must be completed for any structures located within a hazard area. (*See G-15-d*)

CONCLUSIONS (1)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Brooksby Creek Subdivision 1st Amendment as:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.

Attachment A
received
23 March 18

March 19, 2018

Cache County Planning and Zoning
179 North Main Street Suite 305
Logan, Utah 84321

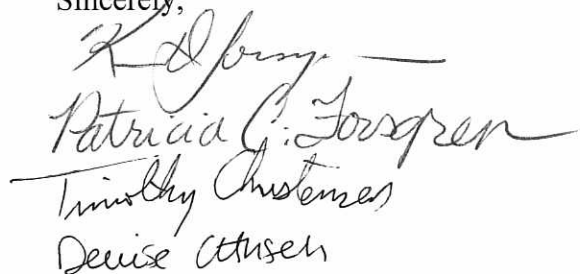
To Whom It May Concern,

At this time, it has been brought to our attention a land division is being proposed on Cache County parcel 09-044-0013. Forsgren Family Associates LTD owns parcel 09-044-0019 where a surface spring exists that provides culinary water to parcels 09-044-0030 and 09-044-0053. The spring parcel is totally surrounded by parcel 09-044-0013. Parcel 09-044-0030 is owned by Kevin D. and Patricia Forsgren. Parcel 09-044-0053 is owned by Timothy L. and Denise Christensen.

Due to minimal activity on parcel 09-044-0013, a source protection area has never been studied or thought of in the past. The land above the spring has remained largely in its natural state. The quality of the water from the spring has never been compromised and has been used for culinary purposes since the early 1900's. The original concrete holding tank at the spring was used until it wore out. The "new" concrete tank that replaced it has been there long enough mature trees have grown in the space that was excavated to install it.

In an effort to preserve the culinary quality of the water from the spring we have hired a civil engineering firm to designate a source protection area around the spring with a source protection plan. We intend to work with the owners of parcel 09-044-0013 and Cache County Planning and Zoning to implement the source protection plan. It is our desire to get the source protection plan implemented with the current owners of the parcel rather than new owners. We hired the engineering firm on March 17, 2018. They told us they are booked and we must give them until April 17, 2018 to have their work completed.

Sincerely,


Kevin Forsgren
Patricia Forsgren
Timothy Christensen
Denise Christensen

STAFF REPORT: LARSEN CUP SUBDIVISION 1ST AMENDMENT

12 JULY 2018

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: Rohn Larsen

Parcel ID#: 08-088-0006, 08-093-0016

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

1625 West Hwy 218

Smithfield

Current Zoning:

Agricultural (A10)

Acres: 14.18 acres

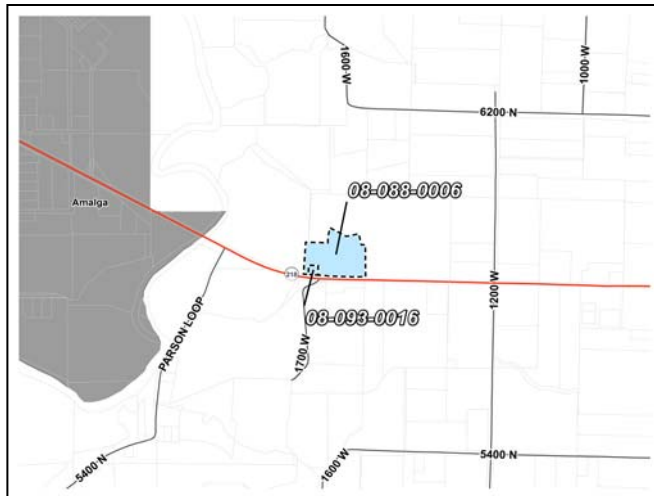
Surrounding Uses:

North – Agricultural

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural



FINDINGS OF FACT (16)

A. Request description

1. The Larsen CUP Subdivision 1st Amendment is a request to adjust the boundary lines between two existing lots and create an agricultural remainder.
 - a. Lot 1 will increase from 0.52 acres to 2.51 acres;
 - b. Lot 2 will decrease from 13.66 acres to 1.0 acre; and
 - c. The Agricultural Remainder will be 10.45 acres.

B. Parcel legality

2. In 1996, a conditional use permit was approved to divide a 0.52 acre piece of property from 08-088-0016 to allow the construction of a single family residence. At that time, 08-088-0006 was a separate parcel. Then, according to the Recorder's Office, 08-088-0016 was combined with 08-088-0006 in September 2012.

C. Authority

3. §17.02.030 [E] Authority for Land Use Actions – The Planning Commission is authorized to act as the Land Use Authority for subdivision amendments. *See conclusion #1.*

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – A domestic, approved water right is required for each of the lots. The State Division of Water Rights has an approved water right for Lot 2, but it appears to be exclusively for stock (#25-3289/a28153). The water right for Lot 1 (#25-6134) includes one domestic water right. *See condition #1*
5. §16.04.080 [B] Sewage Requirements – As no new lots are being proposed, the applicant is not required to provide a septic system feasibility letter for this subdivision amendment.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #2.*

E. Access

7. A basic review of the access to the existing lots identifies the following:
- a. The existing lots gain access from Utah State Route/Highway 218.
 - b. Highway 218:
 - i. Is a state highway that provides access to the general public and is under the jurisdiction of the Utah Department of Transportation (UDOT).
 - ii. Any amendment to the subdivision access requires UDOT approval.

F. Service Provision

8. §16.04.080 [C] Fire Control – The County Fire District did not have any comment or concerns about the proposed boundary line adjustment.
9. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the proposed subdivision amendment.
10. §16.04.080 [D] School Bus Service – The Cache County School District did not provide information about the location of the nearest school bus stop for this subdivision amendment.

G. Sensitive Areas

11. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
- a. Two canals run through the middle of the subdivision.
 - b. A portion of the floodplain 100-foot buffer borders the western boundary of the subdivision.
 - c. Geologic hazard areas are located within the subdivision including moderate slopes and liquefaction areas.
 - d. Wetland areas are located within the subdivision.
 - e. Additional review and analysis may be required for any proposed development in these sensitive area locations.

H. Public Notice and Comment—§17.02.040 Notice of Meetings

12. Public notice was posted online to the Utah Public Notice Website on 28 June 2018.
13. Notice was published in the Herald Journal on 1 July 2018.
14. Notices were posted in three public places on 28 June 2018.
15. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 28 June 2018.
16. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (2)

Based on the Cache County Subdivision and Land Use Ordinances, Road Manual, and on the findings of fact as noted herein, staff recommends the following conditions:

1. Prior to recordation, the applicant must provide proof of a domestic culinary water right in the owner's name for Lot 2. (*See D-4*)
2. A Land Disturbance Permit is required for any future development. (*See D-6*)

CONCLUSIONS (1)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Larsen CUP Subdivision 1st Amendment as:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.

Larsen CUP 1st Amendment

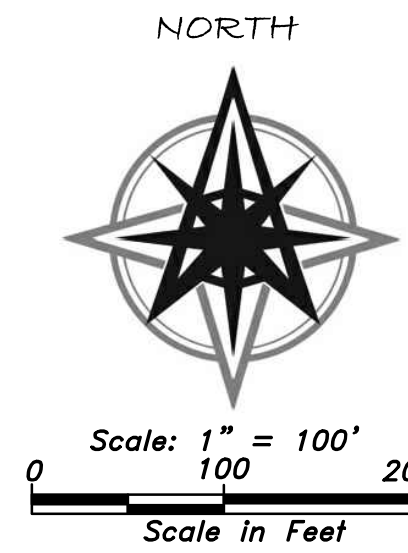
(An Amendment of a 1996 Cache County Conditional Use Permit. Amending Lot 1 & Lot 2 and Creating an Agricultural Remainder.)
A Part of the Northeast Quarter of Section 30 and a Part of the Northwest Quarter of Section 29,
Township 13 North, Range 1 East, Salt Lake Base & Meridian, Cache County, Utah



VICINITY MAP - NO SCALE

GENERAL NOTES:

- A. Culinary Water Note:**
Culinary Water: Cache County has not determined the availability or adequacy of culinary water to any of the lots identified. All owners are advised of the requirements to obtain an approved culinary water source and comply with all other requirements for the issuance of a zoning clearance, prior to the issuance of a building permit.
- B. Storm Water Drainage Note:**
Storm Water Drainage: Compliance with the standards of the Cache County Manual of Roadway Design and Construction Standards and State of Utah storm water permitting are required. This includes, but is not limited to, any increased level of storm water drainage from any portion of any lot or remainder parcel of this subdivision to any adjacent properties, ditches, canals, or waterways, or the alteration of any existing, historic, or natural drainage without prior written authorization provided by the effected party or entity (may include but is not limited to: adjacent property owner(s), ditch or canal company, Cache County, or the State Water Engineer's Office.)
- C. Setback Lines for Primary Buildings are:**
12.00' on Side Yard; 30.00' on Front Yard; 30.00' on Rear Yard
- D. Agricultural Uses:** Current and future property owners must be aware that they will be subject to the sights, sounds, and smells associated with agricultural activities which are permitted uses in the Agricultural Zone.



RECORD OWNER'S
(08-088-0006)
Thad L. & Kathleen
R. Erickson
1531 West Highway
218, Smithfield Utah
84335

DEVELOPER
Rohn W. Larsen
(801) 391-6154
1625 West Highway
218, Smithfield Utah
84335

(08-093-0016)
Rohn W. & Carolyn
E. Larsen
1625 West Highway
218, Smithfield Utah
84335

LEGEND

- Subdivision Boundary Line
- Lot Line
- Adjoining property Line
- Easement Line
- Edge of Hard Surface
- Edge of Water
- Edge of Wetlands
- High Liquefaction Perimeter
- Existing Gas
- Existing Power
- Existing Canal Flowline
- Existing Fence Line
- Existing Comm. Line
- Existing Gravel/Dirt Road
- Section Corner
- Found Survey Point
- Set 5/8" by 24" Rebar With Cap

NARRATIVE

The purpose of this survey was to amend certain conditional use permits and the parcels as shown and described hereon. The survey was ordered by Rohn Larsen. The control used to establish the property corners was the existing monumentation within Section 29 & 30, Township 13 North, Range 1 East, Salt Lake Base & Meridian and Record of Survey 1993-0071. The basis of bearing is the East line of the Northeast Quarter of said Section 30 which bears North 00°38'32" East, Utah North, State Plane, NAD83(2011) Bearings.

COUNTY ATTORNEY APPROVAL

I certify that I have examined this plat and approve this plat as to form as required by State law and County ordinance.

Cache County Attorney Date

DEPUTY COUNTY SURVEYOR'S CERTIFICATE

I certify that I have had this plat examined and find that it is correct and in accordance with the information on file in this office; and further, it meets the minimum standards for plats required by county ordinance and state law.

Deputy County Surveyor Date

COUNTY COUNCIL APPROVAL

Approved & Accepted by the Cache County Council, this _____ day of _____ A.D., 20__.

Chairman
Attest: _____
County Clerk

COUNTY PLANNING COMMISSION

This plat recommended for approval by the Cache County Planning Commission this _____ day of _____ A.D., 20__.

Chairman

BEAR RIVER HEALTH DEPARTMENT APPROVAL

This subdivision described in this plat has been approved by the Bear River Health Department on the _____ day of _____ 20__.

By: _____

Title: _____

SURVEYOR'S CERTIFICATE

I, Clinton G. Hansen, do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No. 7881387, as prescribed under the laws of the State of Utah, I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land hereafter to be known as **Larsen CUP 1st Amendment** and the same had been correctly surveyed and all streets are the dimensions shown.

Clinton G. Hansen
P.L.S. No. 7881387

Date

7881387
Clinton G.
Hansen

SUBDIVISION AMENDMENT BOUNDARY

A Part of the Northeast Quarter of Section 30 and a Part of the Northwest Quarter of Section 29, Township 13 North, Range 1 East, Salt Lake Base & Meridian

Beginning on the North Right-of-Way Line of State Highway 218 at a Point Located 366.62 Feet North 00°38'32" East (North 422.40 Feet by Record) Along the East Line of said Northeast Quarter and 580.94 Feet South 89°21'28" East (East 633.60 Feet by Record) of the Southeast Corner of said Northwest Quarter and Running Thence Along said North Right-of-Way Line the Following Three (3) Courses: (1) North 88°41'24" West 611.35 Feet; (2) North 73°41'24" West 68.71 Feet; (3) Westerly Along the Arc of a 2814.90 Foot Radius Curve to the right on Arc Length of 307.96 Feet, Long Chord Bears North 84°12'17" West 307.81 Feet; Thence North 04°13'03" East 511.83 Feet (North 03°55'00" East 511.94 Feet by Record); Thence South 89°41'57" East (East by Record) 359.80 Feet; Thence North 03°09'03" East (North 02°51" East by Record) 106.80 Feet; Thence North 12°50'03" East (North 12°32" East by Record) 136.00 Feet; Thence South 61°41'57" East (South 62° East by Record) 290.00 Feet; Thence North 78°18'03" East (North 78° East by Record) 200.00 Feet; Thence South 89°41'57" East (South 12° East by Record) 180.00 Feet; Thence South 89°41'57" East (East by Record) 65.00 Feet; Thence South 00°18'03" West (South by Record) 538.62 Feet to the Point of Beginning. Containing 13.954 Acres.

OWNER'S DEDICATION

Know all men by these presents that we the undersigned owners of the tract of land depicted and described hereon, having caused the same to be subdivided into lots and streets (as pertains), the whole to be hereinafter known as the **Larsen CUP 1st Amendment**. Further we hereby grant and convey the Private Road 1500 West Street, as depicted hereon, for access and utility services to Lot 2 and to the adjoining parcel number 08-088-0017 currently owned by Leland G. & Karen M. Barker. Further we hereby grant and convey a Private Canal Easement, as depicted hereon, to the following: Virginia S. Hansen Trust, Parcel 08-093-0003; Walter Lewis & Metta E. Godfrey Trust, Parcel 08-093-0014; & Leland G. & Karen M. Barker, Parcel 08-088-0017; for Access, Maintenance, Repairs, Upgrades, Recreation, Commercial Use, Etc., Further we hereby grant and convey a utility easement, along the South line of the Agricultural Remainder Parcel, as depicted hereon, for installation, maintenance, repairs, upgrades, new services, Etc. to and for Lot 1. Further we hereby grant and convey a Water Line Easement, bearing Northeast from Lot 2, being ten feet in width, as depicted hereon, for access, maintenance, repairs, upgrades, Etc. to the owner's of Lot 2. Further we hereby grant and convey a sewer line easement, being South of and Adjacent to said Canal Easement, being at minimum ten feet in width, as depicted hereon, for access, maintenance, repairs, upgrades, Etc. to the owner's of Lot 2, we hereby set our signatures

Rohn W. Larsen	Date	Carolyn E. Larsen	Date
Thad L. Erickson	Date	Kathleen R. Erickson	Date

ACKNOWLEDGMENT

State of Utah
County of _____

On this _____ day of _____, 20__, Rohn W. Larsen, Husband and Carolyn E. Larsen, Personally Appeared before me, the Undersigned Notary Public in and for said County, in the State of Utah, the Signers of the Attached Owners Dedication, whom duly Acknowledged to me they Signed it Freely and Voluntarily and for the Purpose Therein Mentioned.

Notary Public

ACKNOWLEDGMENT

State of Utah
County of _____

On this _____ day of _____, 20__, Thad L. Erickson and Kathleen R. Erickson, Personally Appeared before me, the Undersigned Notary Public in and for said County, in the State of Utah, the Signers of the Attached Owners Dedication, whom duly Acknowledged to me they Signed it Freely and Voluntarily and for the Purpose Therein Mentioned.

Notary Public

COUNTY RECORDER

State of Utah
County of Cache

This plat has been duly acknowledged, certified, and approved and may lawfully be recorded in Cache County, Utah.

Filed and Recorded:

Filing No.: _____

Date: _____

Time: _____

Book: _____

Page: _____

Request of: _____

Cache County Recorder

STAFF REPORT: WENDELL SMITH LOT SPLIT SUB. 1ST AMEND.

12 JULY 2018

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: Wendell K. Smith

Parcel ID#: 09-085-0011, -0024, -0031

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

275 East 250 South
Richmond

Current Zoning:
Agricultural (A10)

Acres: 8.71 acres

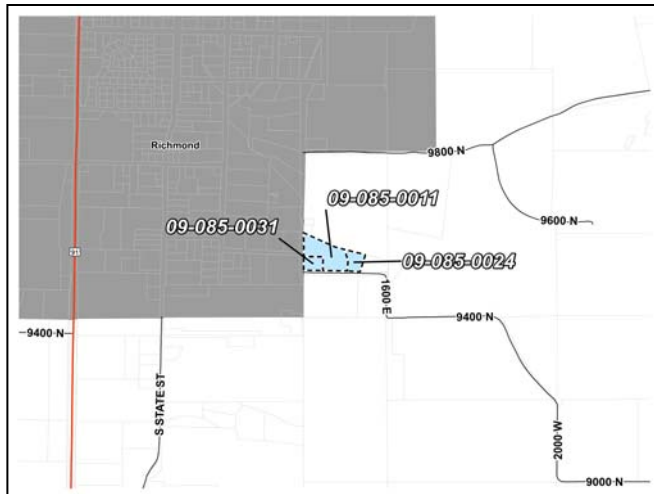
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



FINDINGS OF FACT (20)

A. Request description

1. The Wendell Smith Lot Split Subdivision 1st Amendment is a request to expand the existing 2-lot subdivision boundary to include an adjacent legal parcel (09-085-0024) and adjust the boundaries resulting in a 3-lot subdivision.
 - a. Lot 1 will be 6.34 acres;
 - b. Lot 2 will be 1.54 acres;
 - c. Lot 3 will be 0.75 acres.

B. Parcel legality

2. In March 1995, a Conditional Use Permit (CUP) was approved for the original parent parcel, 09-085-0011, to allow the division of an approximately 2 acre parcel for the construction of a single family dwelling, which became 09-085-0024. Then in 2006, the Wendell Smith Lot Split

12 July 2018

Page 1 of 4

Subdivision was approved that divided 09-085-0011 further into two lots, but did not include the parcel that was part of the original CUP. The parcel that was divided under the 1995 CUP will now become part of the subdivision with this proposal.

C. Authority

3. §17.02.030 [E] Authority for Land Use Actions – The Planning Commission is authorized to act as the Land Use Authority for subdivision amendments. *See conclusion #1.*

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – A domestic, approved water right is required for each of the lots. The water right for Lot 3 (#25-11502/a43760) is in process and confirmation that it has been approved is required prior to recordation of the plat. Lot 1 has an active water right under #25-9532. The water right for Lot 2 (#25-10563) was active at the time the zoning clearance and building permit were issued for a single-family dwelling in 2006, but appears to have lapsed. *See condition #1.*
5. §16.04.080 [B] Sewage Requirements – Although no new lots are being proposed, the applicant has provided a septic feasibility letter for the newly configured Lot 3 from Bear River Health Department (BRHD). Lots 1 & 2 have existing single-family dwellings and BRHD confirms that septic permits were issued for those lots.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #2.*

E. Access

7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
9. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - a. The layout of proposed roads;
 - b. An analysis of existing roadway compliance with the Road Manual requirements;
 - c. Existing maintenance;
 - d. And any additional impacts to the proposed development access roads.
10. The Road Manual specifies the following:
 - a. §2.1-A-3 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - b. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide paved travel lanes with 2-foot-wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - c. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
 - d. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14” depth of granular borrow, 6” depth of road base, and paved roads required an additional 2.5” depth of asphalt.

11. A basic review of the access to the existing lots identifies the following:

- a.** Primary access to the subdivision is via 9500 North, a county road, on the southern boundary, and 250 East, a Richmond City road, along the western boundary.
- b.** 9500 North:
 - i.** Is an existing county facility that provides access to the general public.
 - ii.** Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
 - iii.** Consists of an average 20- foot wide paved surface with 4-foot wide gravel shoulders.
 - iv.** Has an unknown depth and type of material.
 - v.** Has year round county maintenance at this location.
- c.** 250 East:
 - i.** Is a Richmond City road that provides access to the general public and is under the jurisdiction of Richmond City.
 - ii.** Per §5.6(A) of the Road Manual, no development within the unincorporated County shall be permitted to utilize a roadway for direct access that is under the jurisdiction of a municipality without express written approval from the affected municipality.
 - iii.** The applicant has provided a letter, dated June 11, 2018, from the City Administrator of Richmond City granting express approval for the property owner of Lot 3 to access 250 East as well as detailing improvements that will be required (Attachment A). *See condition #3*

F. Service Provision

- 12.** §16.04.080 [C] Fire Control – The County Fire District did not have any comments or concerns with the proposed boundary line adjustment.
- 13.** §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the subdivision amendment application.
- 14.** §16.04.080 [D] School Bus Service – The Cache County School District did not provide comment on this subdivision amendment application.

G. Sensitive Areas

- 15.** §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a.** There are no known sensitive areas within the proposed subdivision boundary.

H. Public Notice and Comment—§17.02.040 Notice of Meetings

- 16.** Public notice was posted online to the Utah Public Notice Website on 28 June 2018.
- 17.** Notice was published in the Herald Journal on 1 July 2018.
- 18.** Notices were posted in three public places on 28 June 2018.
- 19.** Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 28 June 2018.
- 20.** At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (3)

Based on the Cache County Subdivision and Land Use Ordinances, Road Manual, and on the findings of fact as noted herein, staff recommends the following conditions:

- 1.** Prior to recordation, the applicant must provide proof of an approved domestic culinary water right in the owner's name for Lots 2 & 3. (*See D-4*)
- 2.** A Land Disturbance Permit is required for any future development. (*See D-6*)
- 3.** Prior to recordation, the applicant must complete any required road improvements for 250 East to the standards of Richmond City and provide a copy of the Richmond City approvals for the road improvements to the Development Services Office (*E-11-c*)

CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Wendell Smith Lot Split Subdivision 1st Amendment as:

1. The Planning Commission is authorized to act as the Land Use Authority for this application (*See C-3*), and;
2. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.



RICHMOND
UTAH
Home of Black & White Days

(435) 258-2092 • 90 South 100 West , Richmond, Utah 84333

Mayor

Jeffrey D. Young

City Council Members

Lyle Bair

Kelly Crafts

Paul J. Erickson

Cheryl Peck

Tucker Thatcher

Justice Court Judge

Matthew C. Funk

City Administrator

Jeremy Kimpton

City Treasurer

Christine Purser

City Recorder

Justin B. Lewis

June 11, 2018

To Whom it Concerns:

This letter is written by request of Dave DeGasser concerning access on to the City Street from his property located at 265 East 850 South, Richmond, UT. The parcel number in reference is 09-085-0011.

The City has no current concerns with Mr. Degasser accessing the City Street that runs along this property. However, the City does ask that drainage swales be in place along the entire property and the drive way to prevent water from running onto the City Street. City Standards require at least a 6" deep swale no less than four feet from the edge of the road. Driveway Offsets also require residential driveways shall be offset from other driveways by no less than twice the flare with as per AWWA standard plan 221, all others shall have a minimum of 20' between. Also, the City would require that any damage to City Streets caused by construction or improvements to the property be repaired to city standards.

Any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeremy Kimpton', is written over a horizontal line.

Jeremy Kimpton
City Administrator
Richmond City

STAFF REPORT: APPLEWOOD HOLLOW REZONE

12 July 2018

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: Andrew Daines

Parcel ID#: 03-066-0017

Staff Recommendation: Denial

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION

Reviewed by Angie Zetterquist

Project Address:

4642 Hollow Road

Nibley

Acres: 12.5

Current Zoning:

Agricultural (A10)

Proposed Zoning:

Rural 2 (RU2)

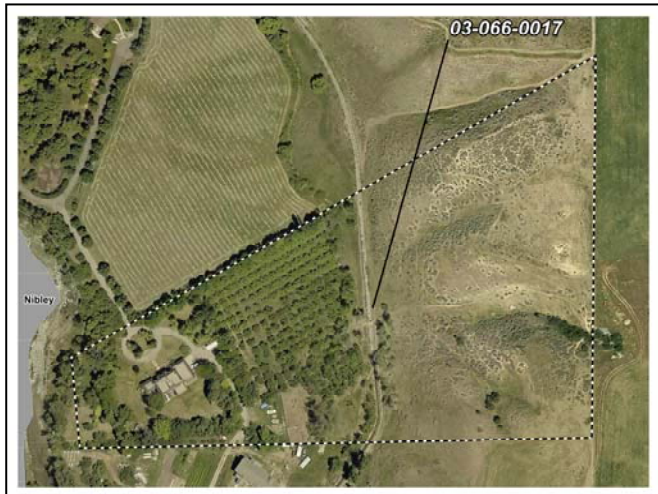
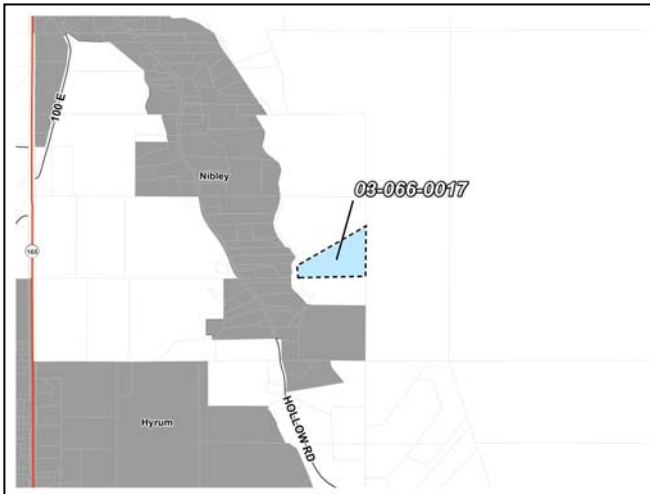
Surrounding Uses:

North – Agricultural/ Residential

South – Agricultural/ Residential

East – Agricultural/Forest Recreation

West – Blacksmith Fork River/Nibley City



FINDINGS OF FACT (17)

A. Request description

1. A request to rezone a 12.50 acre lot from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum of six (6) separate lots as part of a subdivision process.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached maps (Attachments A & B) and in the following text:

a. Land Use Context:

- i. Parcel status: A building permit was issued in August 1977 for a single-family residence on 10.0 acres. In January 1992, a boundary line adjustment was done

12 July 2018

1 of 4

between parcel 03-066-0017 and 03-066-0025 with a recorded deed. At that time, the subject parcel increased from 10.0 acres to 12.5 acres. As no additional parcels were created at that time, the subject property is considered a legal parcel.

- ii. Density: Within a mile of the proposed rezone, the average size of unincorporated county parcels (34 parcels) with a dwelling is 7.2 acres; the average size of parcels (76 parcels) without a dwelling is 11.8 acres. Portions of Nibley City and Hyrum City also lie within one mile of the proposed rezone. Within the City areas inside the one-mile buffer, the average size of a city parcel (389 parcels) with a house is 0.7 acres; the average size of city parcels (69 parcels) without a house is 3.4 acres (Attachment A).

The proposed RU2 zone allows a maximum density of 1 lot for every 2 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 12.50 acres of property, the subject parcel cannot be divided into any additional lots under the current A10 Zone; a rezone to RU2 would allow a maximum of 6 buildable lots. The actual development potential may be less if sensitive areas are present that reduce the developable acreage.

- iii. Schedule of Zoning Uses: Under the current County Land Use Ordinance, the RU2 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU2 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU2 Zone:

- Agricultural Manufacturing
- Recreational Facility
- Cemetery
- Private Airport
- Concentrated Animal Feed Operation
- Livestock Auction Facility
- Topsoil Extraction

- iv. Adjacent uses: The properties adjacent to the subject property are primarily used for agricultural and single family dwellings.

- v. Zone Placement: As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The western boundary of the proposed rezone borders Nibley City.

There are no other RU2 zones within a five-mile radius of the subject property. However, the boundaries of multiple incorporated areas are located to the north, south, and west of the property including Millville, Nibley, and Hyrum cities. Properties to the east are primarily located in the Forest Recreation (FR40) Zone.

The portion of Nibley City that border the subject property to the west is zoned Rural Estate (RE) with a minimum required lot area of 2 acres.

B. Ordinance—§12.02.010, §17.02.060; §17.08.030 [C]

- 4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
- 5. The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain possible guidelines for its implementation. County Land Use

Ordinance §17.08.030 [A] [1] identifies the purpose of the RU2 Zone and includes the following:

- a. “To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
 - b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipal standards.
 - c. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
6. Consideration of impacts related to uses allowed within the RU2 Zone will be addressed as part of each respective approval process required prior to site development activities.

C. Access—16.04.040 [A], 16.04.080 [E], Road Manual

7. A basic review of the access to the existing subdivision identifies the following:
- a. The existing lot does not have frontage on a county road and the property is accessed from a private road that connects to Hollow Road, a Nibley City road.
8. Hollow Road:
- a. Is a Nibley City road.
 - b. At the request of the applicant and as a requirement of the application submittal, an email was provided from Stephen Nelson, the Nibley City Planner. Per the Nibley City Planner’s email, the planner recalls that the applicant had discussed possibly annexing into Nibley City to increase the development potential of this property. However, during those discussions it was determined that significant improvements to the surrounding infrastructure would be required in order to annex, which may be why the applicant is pursuing a rezone with the County instead. The planner further indicates that the addition of a single new dwelling may not warrant much concern for the City’s public infrastructure, but approval of the rezone has the potential for a maximum of five (5) new dwellings.
 - c. If the rezone is approved, any future application for a subdivision that proposes access off of Hollow Road must provide express written approval from Nibley City allowing development to access Hollow Road.
9. Private Access Road:
- a. Is a private road that connects to Hollow Road in Nibley City at two points: at approximately 4900 Hollow Road to the south and 4700 Hollow Road to the north. The distance between these two points is approximately 0.75 miles and crosses the Blacksmith Fork twice over two bridges. The condition of the bridges is unknown.
 - b. The road crosses multiple private properties and is split between the jurisdiction of Nibley City and the County.
 - c. An initial review of the private access road from the south entry off of Hollow Road to the subject property shows the road varies in width from 12-to-19 feet and the surface material appears to be primarily dirt with gravel in places. The northern portion of the private road from the subject property to 4700 Hollow Road including the north bridge has not been reviewed.
 - d. The road provides access to multiple properties both in the county and Nibley City.
 - e. The County Road Manual does not permit private roads to provide access to more than three single-family dwellings.

- f. Additionally, per the definition in the Manual, private roads are not intended to be through roads. The County does not maintain private roads
- g. Exceptions have been allowed for previous requests to allow private roads that serve more than three single-family dwellings. However, the County Road Department has discouraged the continuance of this practice, and roads serving more than 3 single-family dwellings must be on public roads.
- h. Resolution No. 2015-20 – In August 2015, the Cache County Council reviewed the impact of new development along unimproved roadways on the safety and welfare of citizens of Cache County. Further, the Council determined that given the existing budget constraints there is not funding sufficient for the existing roadways to be properly maintained. Consequently, the Council adopted Resolution No. 2015-20 limiting expansion of road services on substandard roads including no expansion of winter maintenance and no acceptance of new roadways, gravel or paved. Constructing a new public road to potentially service these developments is inconsistent with the County Resolution.

D. Service Provisions:

- 10. §16.04.080 [C] Fire Control – The County Fire District evaluated the access road to the subdivision and determined that the access road does not meet fire code. The access road must be improved to Fire Department standards during the subdivision process if the rezone is approved. Water supply for fire suppression is provided by the Hyrum City Fire Department.
- 11. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental does not provide service on the private road. Containers must be placed on Hollow Road for Wednesday collection.
- 12. §16.04.080 [D] School Bus Service – School bus service is located at a stop at 4700 S. Hollow Road, Nibley.

E. Public Notice and Comment—§17.02.040 Notice of Meetings

- 13. Public notice was posted online to the Utah Public Notice Website on 28 June 2018.
- 14. Notice was published in the Herald Journal on 1 July 2018.
- 15. Notices were posted in three public places on 28 June 2018.
- 16. Notices were mailed to all property owners within 300 feet and cities within 1-mile on 28 June 2018.
- 17. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

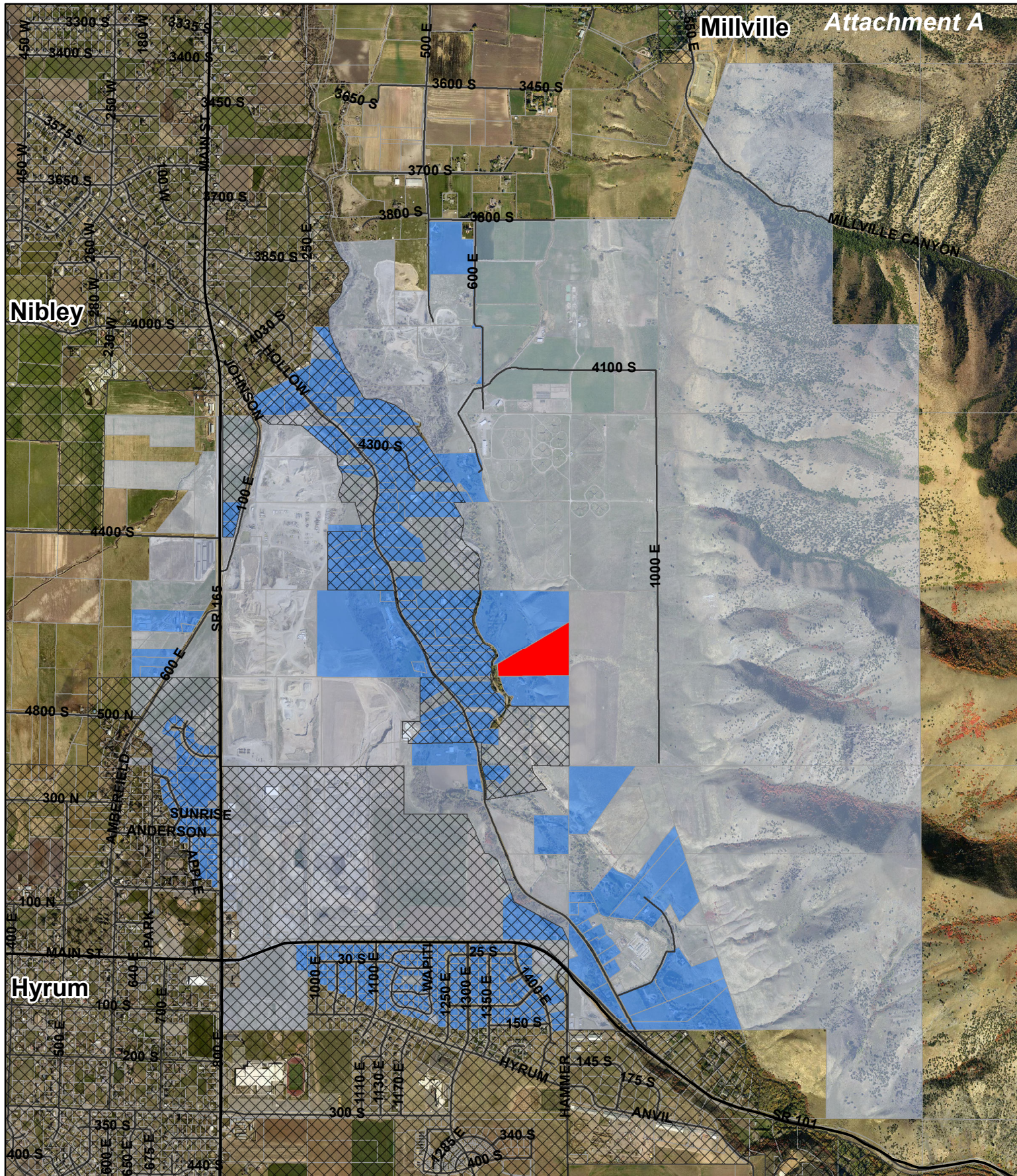
CONCLUSIONS (3)

Based on the findings of fact noted herein, the Applewood Hollow Rezone is hereby recommended for denial to the County Council as follows:

- 1. The property lacks adequate provision of public services including emergency access, refuse collection, and public infrastructure.
- 2. The existing, substandard private access road currently exceeds the number of single-family dwellings allowed on a private road per the Road Manual.
- 3. The access is from a Nibley City road and given the location of the property the issues with infrastructure would be better addressed as part of a Nibley City development, not a county development on a municipal road.

Nibley

Hyrum



0 0.25 0.5 1 Miles

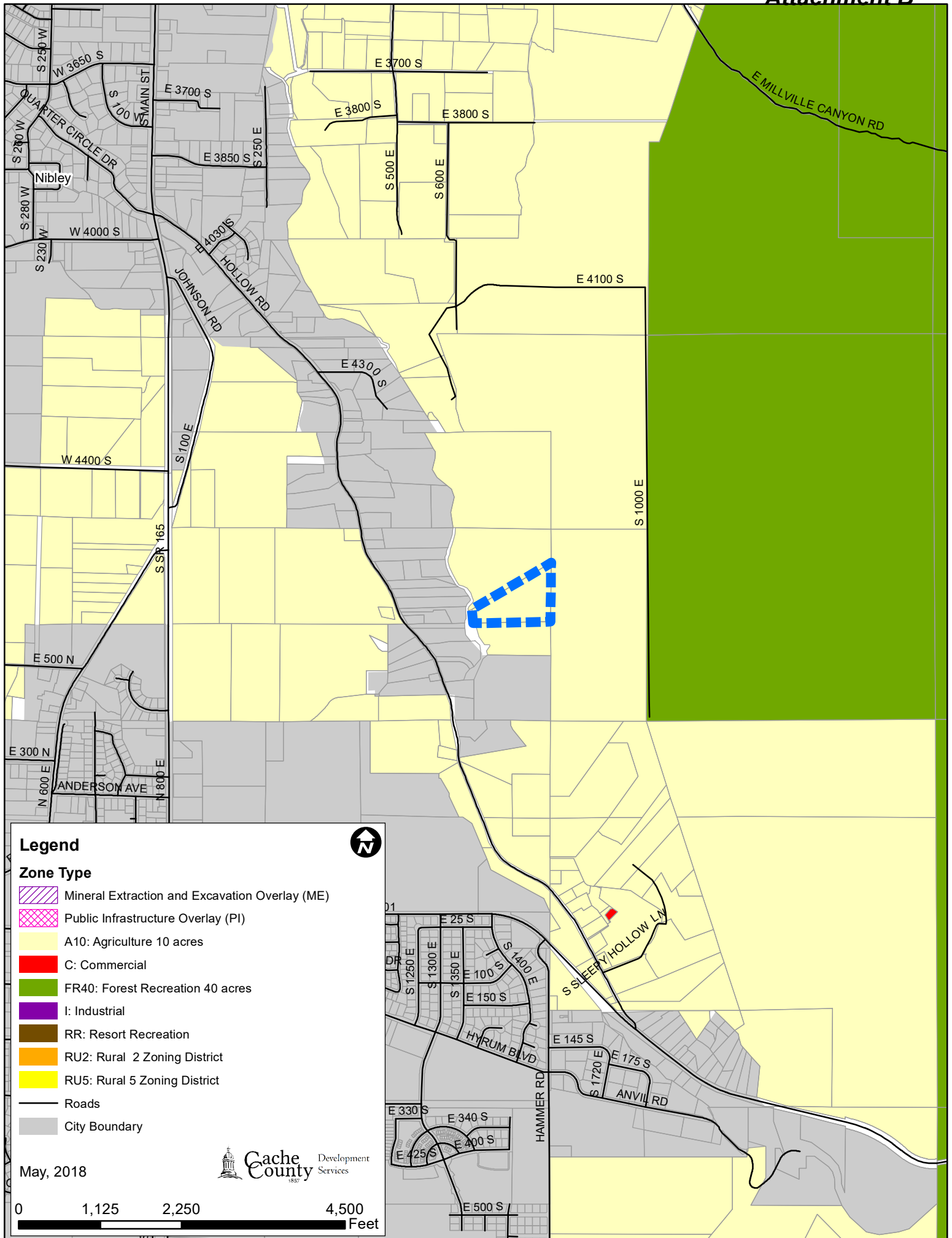
Legend

- Parcels
- Proposed Rezone
- Parcels with Dwellings
- Parcels in 1 Mile Buffer

Average Parcel Size Without a Home: 11.8 Acres (76 Parcels)
 Average Parcel Size With a Home: 7.2 Acres (34 Parcels)
 Average Parcel Size Without a Home Hyrum or Nibley City: 3.4 Acres (69 Parcels)
 Average Parcel Size With a Home Hyrum or Nibley City: 0.7 Acres (389 Parcels)



June 2018





STAFF REPORT: 80 ACRES CONDITIONAL USE PERMIT

12 July 2018

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: Mike Cardall

Parcel ID#: 15-023-0004

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

PROJECT LOCATION

Reviewed by Angie Zetterquist

Project Address:

~11800 North 8400 West
Clarkston

Current Zoning:

Agricultural (A10)

Acres: 73.11

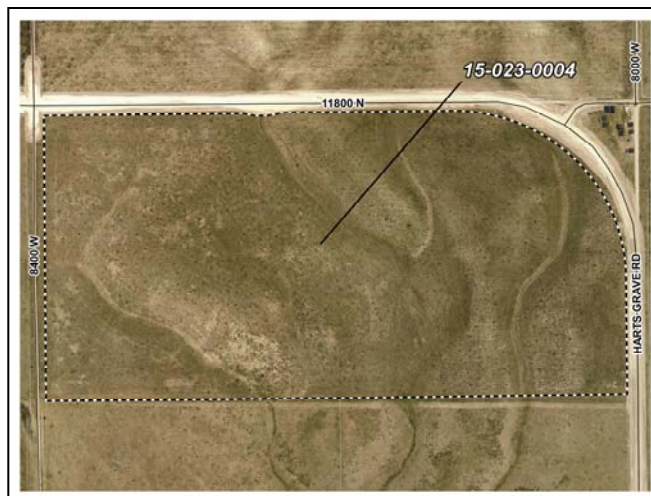
Surrounding Uses:

North – Agricultural

South – Agricultural

East – Agricultural

West – Agricultural



FINDINGS OF FACT (32)

A. Request description

1. The 80 Acres Conditional Use Permit (CUP) is a request to operate a recreational facility, Use Type 4100, on a 73.11 acre property located in the Agricultural (A10) Zone.
2. Per the Letter of Intent (Attachment A), the applicant is proposing to operate a motocross/OHV race track facility at the site for general recreation and race events. **See condition #1**
 - a. Construction **See condition #2**
 - i. The applicant has provided a site plan that shows a general layout of the proposed race track facility (Attachment B).
 - ii. Facilities on-site to accommodate the use will be mobile or portable units, no permanent construction is proposed at this time.

- iii. A mobile/portable structure for use as an office will be used during race events to collect information and register participants. The applicant anticipates food trucks will be present on race days as well.
 - iv. During all times when the facility is operating, there will be portable toilets located on-site.
 - v. In the letter of intent, the applicant states that future plans for the facility include installing a small retaining pond as well as an area with grass, trees, tables, and bleachers.
 - vi. Parking will be provided in the grass field on site. When the recreational facility is not in use, the parking area will be used for farming.
 - vii. The applicant is proposing to construct an entry gate that will include signage for the facility (Attachment C).
- b. Operation**
- i. In the letter of intent, the applicant states that the recreational facility will operate on a seasonal basis during the summer.
 - ii. During the operating season, the facility will be open Wednesdays through Saturdays during the week and may operate occasionally on Sundays. Hours of operation will be 7:00 AM to dusk.
 - iii. In addition to general recreational racing, there will be occasional race events that would happen on Fridays and Saturdays. In the letter of intent, the applicant states that race events would be operated by a separate entity and occur about 3-4 times per season.
 - iv. The applicant anticipates on general recreation days there will be 15-20 vehicles on-site. During race events, the applicant anticipates up to 200 participants with trucks and trailers. *See condition #3*
 - v. The applicant anticipates two-to-five seasonal employees and additional volunteers for race events.
 - vi. Equipment will be located on site to maintain the race track including a small dozer, skid steer, and a water truck with portable water tanks. The water truck will be used to water the track to minimize dust impacts. *See condition #4*

B. Parcel Legality

- 3. The subject property is a legal 1970 parcel per the Policy for Determination of Parcel Legality dated 29 August 2013. The property was listed at 78 acres on the 1970 and 1978 plats. It is currently 73.11 acres. The difference is due to road dedications, but does not impact its status as a legal 1970 parcel.

C. Conditional Uses *See conclusion #1*

- 4. §17.06.050-B, Conditional Uses, directs the Land Use Authority to review conditional use permit (CUP) requests based on the standards and criteria that are defined therein and include:
 - a. Compliance with law;
 - b. Health, safety, and welfare;
 - c. Adequate service provision;
 - d. Impacts and mitigation.

D. Compliance with law *See conclusion #1*

- 5. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use.

- b. The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity.
- 6. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. *See conclusion #2*
- 7. The parcel that is the subject of the conditional use permit request is a legal parcel zoned Agricultural (A10).
- 8. §17.07.030, Use Related Definitions defines this use as
 - a. “4100 Recreational Facility: a place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure time activities that are operated as a business and/or open to the general public. These facilities are typically operated for a period of greater than 30 days per year and may also include incidental transient lodging accommodation for up to 15 rooms.” This use also includes the following specific uses: ski facility, golf course, and campground.
- 9. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Agricultural (A10) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.

E. Health, safety, and welfare *See conclusion #1*

- 10. The County Land Use Ordinance stipulates that:
 - a. Proposed CUP’s must not be detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
 - i. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
 - ii. It unreasonably interferes with the lawful use of surrounding property.
- 11. The primary activity of the proposed recreational facility is a race track for motocross and OHV vehicles on a 73.11 acre property with no existing improvements.
- 12. Given the nature of the recreational facility the ability of emergency services to locate and access the site is paramount. The applicant must record the address of the facility with the Recorder’s Office, which provides address information to emergency services, to ensure prompt response in case of emergency. *See condition #5*
- 13. The applicant must submit a fire prevention and emergency medical services plan that has been reviewed by the Fire Department to the Department of Development Services prior to recordation. *See condition #6*
- 14. The applicant must submit a security plan and/or law enforcement response plan to the Department of Development Services prior to recordation. *See condition #7*
- 15. The applicant must notify and coordinate with law enforcement, fire prevention and emergency services prior to each race event. *See condition #8*
- 16. The applicant must construct the race track in such a way as to ensure a safe distance between the race track and any spectator areas.

F. Adequate service provision *See conclusion #1*

- 17. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and year round access for emergency vehicles and residents, fire protection, law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.

18. Access: The subject property has frontage along 11800 North, 8400 West, and 8000/8100 West, county roads.
- a. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
 - b. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
 - c. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - i. The layout of proposed roads;
 - ii. An analysis of existing roadway compliance with the Road Manual requirements;
 - iii. Existing maintenance;
 - iv. And any additional impacts to the proposed development access roads.
 - d. The Road Manual specifies the following:
 - i. §2.1-A-4 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - ii. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide paved travel lanes with 2-foot-wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - iii. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
 - iv. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14” depth of granular borrow, 6” depth of road base, and paved roads required an additional 2.5” depth of asphalt.
 - v. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
 - vi. §1.8 Authority and Design Exception: Consideration and evaluation of a design exception to the Road Manual standards requires full justification and documentation explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or construction method can meet the intent of the roadway standards, and including any other relevant information.
19. A basic review of the access to the existing lots identifies the following:
- a. The proposed recreational facility gains will gain access from the county road 11800 North.
 - b. 11800 North:
 - i. Is an existing county facility that provides access to the general public.
 - ii. Currently provides access to multiple vacant lots and agricultural parcels as well as the new landfill.
 - iii. Is a 24-foot wide paved road with 8-foot gravel shoulders, for a total width of 40 feet.
 - iv. Was recently improved to accommodate the new landfill.
 - v. Is maintained year round.
 - c. 8400 West:
 - i. Is a 12-foot wide gravel road on the west side of the subject property.
 - ii. Currently provides farm access to multiple agricultural properties between 11800 North and 11000 North.
 - iii. Does not have winter maintenance.
 - iv. Access to the recreational facility is not permitted on this road. *See condition #9*

20. Parking:

- a. §17.22 Off Street Parking Standards – All uses included under Use Index 4000, Cultural, Entertainment, Recreation Uses, require a Parking Analysis be conducted to determine the required number of parking spaces needed to demonstrate that sufficient accommodation has been made for the volume of traffic expected to be generated by the size and type of the proposed use. The Parking Analysis must conform to §17.07.040 General Definitions and §17.22 Off Street Parking Standards and include evidence of licensure from the State of Utah for the licensed professional who prepares the document. ***See condition #10***

21. Solid Waste Disposal – Logan City Environmental has indicated that they can provide commercial dumpster service at this location for special events.

22. Fire Control – The County Fire District has reviewed the proposed plans and visited the site. The access meets the fire code requirements. Any future development on the property must be reevaluated and may require improvements based on the location of any proposed development. Water supply for fire suppression would be provided by the Clarkston City Fire Department.

23. Water Requirements – Recreational facilities do not require confirmation of domestic culinary water rights.

24. Septic – The applicant must provide evidence of Bear River Health Department review and approval identifying the minimum number of portable toilets required for the seasonal use. The portable toilets must be removed at the end of the race season. ***See condition #11***

G. Impacts and mitigation *See conclusion #1*

25. Utah Code Annotated §17-27a-506, Conditional uses, item 2-a specifies that “A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”

26. The County Land Use Ordinance stipulates that:

- a. Reasonably anticipated detrimental effects of the proposed conditional use must be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards.
- b. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by the Code, and/or disruption of agricultural practices.

27. Known or reasonably anticipated detrimental effects of the use are as follows:

- a. Parking: The recreational facility is expected to draw a large number of vehicles to the site during race events. The parking area should be clearly marked to allow for clear drive aisles, turn around areas, and ensure that vehicles do not block emergency access to the site. ***See conditions #3 & #10***
- b. Emergency Response: The nature of the recreational facility may result in increased need for emergency services. A registered address and emergency response plans will assist in ensuring adequate and efficient emergency response in case of emergencies. ***See conditions #5, #6, #7, #8***
- c. Noise: The proposed use may result in negative noise impacts on the surrounding properties, especially on race event weekends. The applicant must comply with current noise standards when operating the facility so as to limit the impact on surrounding properties. ***See condition #12***

H. Public Notice and Comment—§17.02.040 Notice of Meetings

28. Public notice was posted online to the Utah Public Notice Website on 28 June 2018.
29. Notice was published in the Herald Journal on 1 July 2018.
30. Notices were posted in three public places on 28 June 2018.
31. Notices were mailed to all property owners within 300 feet of the subject property on 28 June 2018.
32. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (12)

These conditions are based on the Cache County Land Use Ordinance and on the findings of fact as noted herein:

1. The applicant and operator(s) must abide by the information as provided in the application and the information as identified in this report and must comply with the conditions of approval. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *See A-2*
2. All temporary and permanent structures require approval of a Zoning Clearance and may require a Building Permit. The applicant must obtain the required approvals and permits prior to installation or construction. *See A-2-a*
3. Prior to recordation, the applicant must, based on the results of the Parking Analysis, submit a site plan that shows the parking area provides the required number of parking spaces and is clearly marked allowing for clear drive aisles, turn-around areas, and ensures that vehicles will not block emergency access to the site. *See A-2-b-iv, G-28*
4. The equipment stored on-site to maintain the race track facility must not be stored in the required parking area. *See A-2-b-vi*
5. Prior to recordation, the applicant must record the address of the recreational facility with the Recorder's Office to ensure response by emergency services. *See E-12, G-28-b*
6. Prior to recordation, the applicant must submit a general fire prevention and emergency medical services plan that has been reviewed by the Fire Department. *See E-13, G-28-b*
7. Prior to recordation, the applicant must submit a security plan and/or law enforcement response plan to the Department of Development Services. *See E-14, G-28-b*
8. Prior to each race event, the applicant or operator(s) must notify and coordinate with law enforcement, fire prevention and emergency services to provide services as needed. *See E-15, G-28-b*
9. The recreational facility must be accessed from 11800 North. Access off of 8400 West is not permitted. *See F-20-c-iv*
10. Prior to recordation, a Parking Analysis as defined by the Cache County Land Use Ordinance must be submitted to the Development Services Office for the review and approval of the Director to determine the number of parking spaces needed for the facility. Evidence of professional licensure in the State of Utah must also be provided by the person preparing the analysis. *See F-21, G-28*
11. Prior to recordation, the applicant must provide evidence of Bear River Health Department review and approval, identifying the minimum number of portable toilets required. Portable toilets must be removed at the end of the race season. *See F-25*
12. Prior to recordation, a sound study performed by a licensed professional must be completed and identify the ambient sound and impact of the noise generated by the use on surrounding properties. The impact must be no more than 10 decibels (dBA) above measured ambient

sound at the outside property line at any time of day. During active operation L_{eq} must be used as the comparison measure of motorcycle sound levels to ambient sound level. *See G-28-c*

CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, the 80 Acres CUP is hereby approved as follows:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Land Use Ordinance, and; *See B, C, D, E, F, G*
2. As per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for this CUP request. *See D-6*

Letter of intent

11800 North 8400 West

Clarkston Utah 84305

June 5th 2018

Cache County

To whom it may concern:

I want to bring a recreational motocross/ohv race track facility to Cache Valley. Track would be open a few days a week and on weekends. Track will be used for entertainment and practice for the racing families. It will be a professionally ran facility. With track conditions safe and fun for all ages. We would like to hold a couple of races each year bringing in a few hundred riders, for a Friday, Saturday event. There will be parking in the fields available for the racers. There will be a volunteer staff on weekend events. With only 2 to 5 employees. None of the employees are residents on the property. The track will be watered with a water truck so there will be minimal dust to insure safety. There will be a mobile office to organize and collect info on race days. Track will be open 7am to dusk on Wednesdays, Fridays, and Saturday (summer time only). We will try not to be open on Sundays. On most open days there will only be 15 to 20 vehicles. On a race weekend there could be 200 participants with trucks and trailers. We would like this to happen 3 or 4 times a season. There will be no deliveries or postage coming into facility. On race weekends most event holders have a food truck come in. There would be a sign on the entering gate with our race track name on it. The equipment needed to maintain a race track would be a small dozer, skid steer, and a water truck with portable water tanks. We can rent a dumpster or a roll off container for our garbage (we are close to the new landfill).

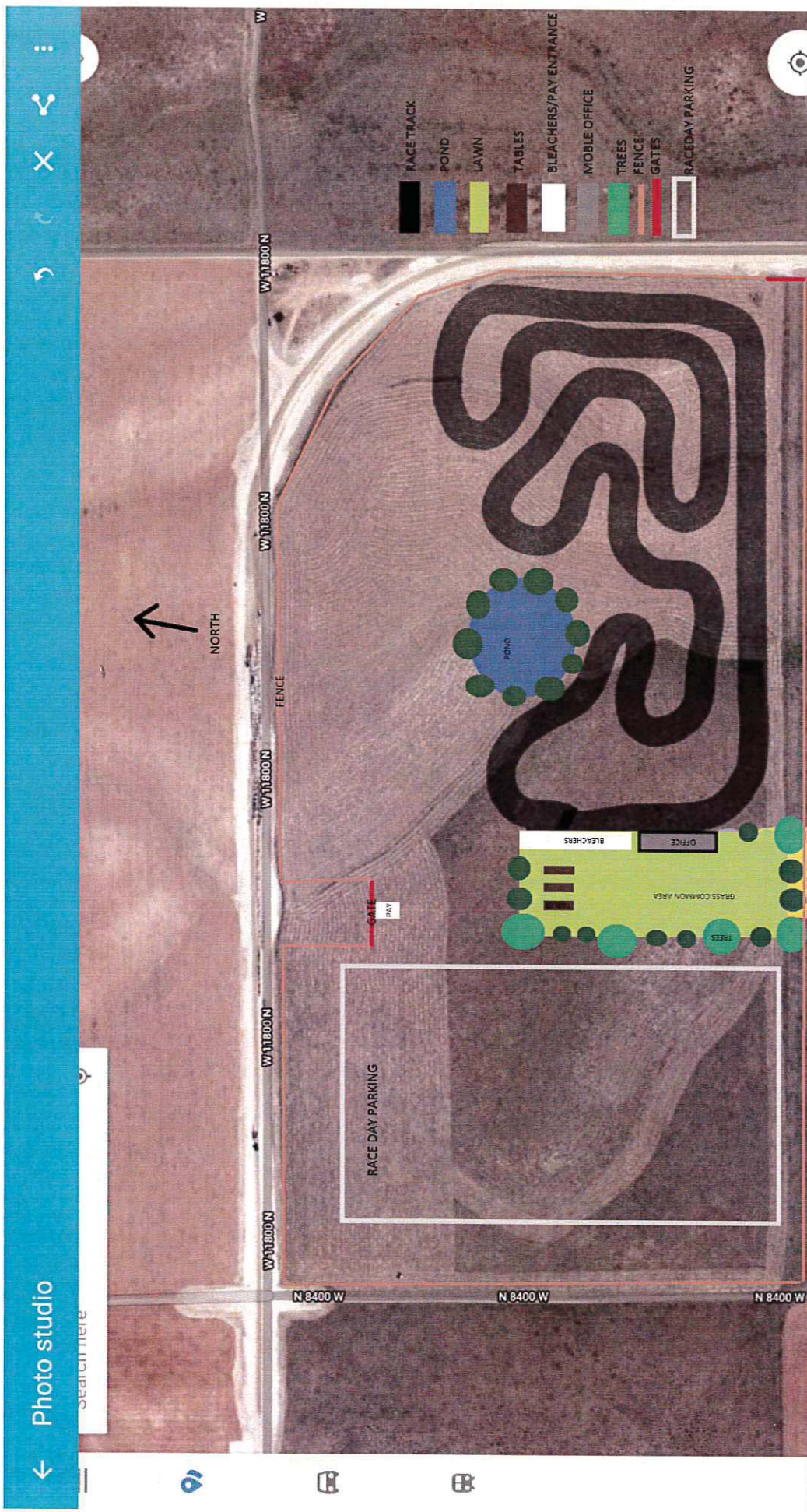
We need somewhere in this valley to ride and race our bikes. We need somewhere with the county support to make this successful. If it is successful we could continue to grow the facility. We would buy water rights and install a small retaining pond or tank for water. We would like to have a common area with grass, trees, tables and bleachers for comfort. We feel this would bring a fun environment to the valley a couple weekends a year. And hopefully bring a little more money to Logan's local businesses.

Sincerely,



Parking will be in the grass field, when not in use we will be farming the ground. Restroom will be available on race days or during riding season. They will be removed in the off season. Restrooms will be port-a-potty.

Race Day would be operated by a separate entity.





Proposed Signage/Gate



STAFF REPORT: CHERRY PEAK SKI AREA CUP 2ND AMENDMENT

12 July 2018

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: John Chadwick

Parcel ID#: 18-057-0020, -0021, -0022, -0023, -0024, -0025

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

PROJECT LOCATION

Reviewed by Angie Zetterquist

Project Address:

3200 East 11000 North
Richmond

Current Zoning:

Forest Recreation (FR40)

Acres: 240.0

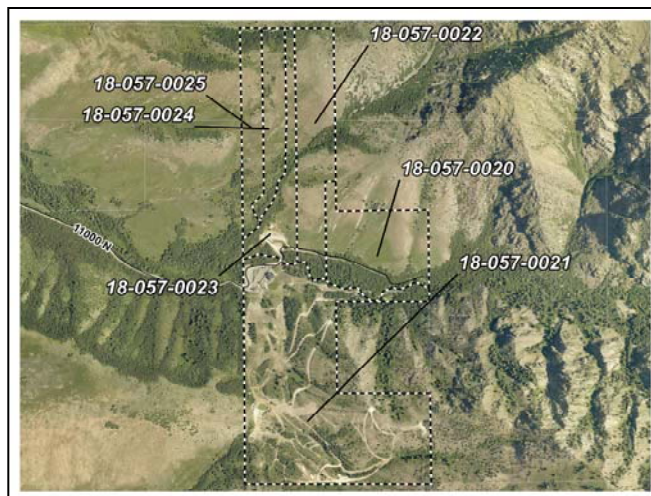
Surrounding Uses:

North – Forest Recreation

South – Forest Recreation

East – Forest Recreation

West – Forest Recreation



FINDINGS OF FACT (35)

A. Request description

1. The Cherry Peak Ski Area Conditional Use Permit (CUP) 2nd Amendment is a request to amend an existing CUP for a recreational facility (i.e., ski resort), Use Type 4100, located in the Forest Recreation (FR40) Zone.
2. The applicant is proposing to amend the existing CUP as follows:
 - a. Remove parcels 18-057-0024 & 18-057-0025 from the existing CUP;
 - b. Add parcel 18-057-0020 to the CUP;
 - c. Allow more than 1,000 people on-site without approval of a Special Event Permit;
 - d. Create an additional ski run;
 - e. Provide additional parking areas, both permanent and temporary; and
 - f. Construct additional operational improvements as detailed in the Letter of Intent.

3. The Letter of Intent (Attachment A) provides more detail on the proposed changes to the recreational facility: *See condition #1*
 - a. Construction *See condition #2*
 - i. The applicant has provided a site plan that shows a general layout of the proposed improvements to the facility (Attachment B).
 - ii. Two future permanent parking areas are proposed on parcel 18-057-0021. One area is north of the existing lodge on the north side of the county road; the other is east of the lodge on the south side of the road. From the aerial photo on the GIS maps, both areas appear to be heavily timbered and may have some areas of moderate slopes. *See condition #3*
 - iii. Two temporary parking areas for events in the off-season are also proposed. One temporary parking area is east of the lodge, south of the magic carpet and the proposed permanent parking area; the other is located on parcel 18-057-0020 south of the county road appears to be heavily timbered and may have some areas of moderate slopes. *See condition #3*
 - iv. A new ski run is proposed for parcel 18-057-0020 where the temporary event parking will be located in the off-season.
 - v. A new cable tow/magic carpet for the tubing hill is proposed south and east of the existing magic carpet.
 - b. Operation
 - i. Parcels 18-057-0024 & 18-057-0025 will be removed from the CUP boundary. *See condition #4*
 - ii. Parcel 18-057-0020 will be added to the CUP boundary.
 - iii. Events at the facility in excess of 1,000 people will no longer require approval of a separate Special Event Permit for each occurrence as was previously required. In the absence of filing a permit for each special event, the applicant will:
 - a. Have the Ski Patrol members staff events including concerts, mountain biking events, and ski days to provide medical assistance;
 - b. Have the Sheriff's Office and Fire Department on-site for events to oversee event parking;
 - c. Provide additional off-site parking with transportation to and from the event site for events that necessitate the extra parking;
 - d. Any off-site parking areas must be reviewed and approved by the Fire Marshal and Sheriff's office; and
 - e. Ensure pedestrians do not walk down the canyon road to off-site parking areas after events conclude.
 - iv. All other operational aspects of the recreational facility will remain in effect permitted under the previously approved Conditional Use Permit and amendment.

B. Parcel Legality

4. The original CUP for a resort was approved in 2012 and amended in 2016. Another amendment was reviewed in 2017, but the applicant withdrew the request before the permit was recorded.
5. All conditions and requirements as stipulated by the original CUP and the 1st Amendment to the CUP will continue and will also apply to this CUP amendment request. *See condition #5*
6. In 2017, a subdivision amendment was approved that reconfigured and renumbered the parcels that were part of the original CUP approval and 2016 CUP Amendment. The 2017 subdivision amendment changed the name of the subdivision from the Cherry Creek Canyon Subdivision to the Richmond Valley Subdivision, added adjacent parcels, and reconfigured all the lots. The

result was that the Richmond Valley Subdivision includes the following legal parcels: 18-057-0021, -0022, -0023, -0024, & -0025.

7. Parcel 18-057-0020 is not part of the Richmond Valley Subdivision, but is a legal lot under the Policy for Determination of Parcel Legality dated 29 August 2013. Prior to submitting this request, the parcel was combined with three adjacent parcels, which were all restricted. Combining the parcels into one removed the restriction.

C. Conditional Uses *See conclusion #1*

8. §17.06.050-B, Conditional Uses, directs the Land Use Authority to review conditional use permit (CUP) requests based on the standards and criteria that are defined therein and include:
 - a. Compliance with law;
 - b. Health, safety, and welfare;
 - c. Adequate service provision;
 - d. Impacts and mitigation.

D. Compliance with law *See conclusion #1*

9. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use.
 - b. The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity.
10. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. *See conclusion #2*
11. The parcel that is the subject of the conditional use permit request is a legal parcel zoned Agricultural (A10).
12. §17.07.030, Use Related Definitions defines this use as
 - a. “4100 Recreational Facility: a place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure time activities that are operated as a business and/or open to the general public. These facilities are typically operated for a period of greater than 30 days per year and may also include incidental transient lodging accommodation for up to 15 rooms.” This use also includes the following specific uses: ski facility, golf course, and campground.
13. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Forest Recreation (FR40) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.

E. Health, safety, and welfare *See conclusion #1*

14. The County Land Use Ordinance stipulates that:
 - a. Proposed CUP’s must not be detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
 - i. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
 - ii. It unreasonably interferes with the lawful use of surrounding property.
15. The primary activity of the existing recreational facility is a ski facility with additional off-season, summer activities permitted, as approved under the 2016 CUP amendment, including:
 - a. Weddings and receptions,
 - b. Lift-assisted mountain biking,
 - c. Concerts and dances,

- d. Overnight youth campouts and other religious-group related activities,
- e. Temporary waterslides,
- f. Zip lines,
- g. Horseback riding,
- h. Climbing walls,
- i. Frisbee golf.

- 16. The original CUP limited the occupancy of the facility to 1,000 people due to limitations regarding culinary water and sewer. As both culinary water and sewer are provided by Richmond City, the 1,000 person limit is not necessary.
- 17. The applicant must submit a general fire prevention and emergency medical services plan that has been reviewed by the Fire Department to the Department of Development Services prior to recordation. ***See condition #6***
- 18. The applicant must submit a security plan and/or law enforcement response plan to the Department of Development Services prior to recordation. ***See condition #7***
- 19. The applicant must notify and coordinate with law enforcement, fire prevention and emergency services prior to each event with a reasonably anticipated turnout of more than a 1,000 people. ***See condition #8***

F. Adequate service provision *See conclusion #1*

- 20. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and year round access for emergency vehicles and residents, fire protection, law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.
- 21. Access: The recreational facility is access from 11000 North, a county road.
 - a. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
 - b. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
 - c. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - i. The layout of proposed roads;
 - ii. An analysis of existing roadway compliance with the Road Manual requirements;
 - iii. Existing maintenance;
 - iv. And any additional impacts to the proposed development access roads.
 - d. The Road Manual specifies the following:
 - i. §2.1-A-4 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - ii. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide paved travel lanes with 2-foot-wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - iii. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.

- iv. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14" depth of granular borrow, 6" depth of road base, and paved roads required an additional 2.5" depth of asphalt.
 - v. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
 - vi. §1.8 Authority and Design Exception: Consideration and evaluation of a design exception to the Road Manual standards requires full justification and documentation explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or construction method can meet the intent of the roadway standards, and including any other relevant information.
22. A basic review of the access to the existing lots identifies the following:
- a. The recreational facility gains access from the county road 11000 North.
 - b. 11000 North:
 - i. Was initially improved to meet the County Road Standards in the Fall of 2014.
 - ii. The majority of the road consists of a 22-foot paved width with 4-foot gravel shoulders.
 - iii. Is an existing county facility that provides access to the general public.
 - iv. Localized failures along the improved roadway each year have postponed the county's acceptance of the work on the roadway. Repair of the localized failures related to the road improvement continues to be the responsibility of the Cherry Peak Ski Area developer and associated road contractor.
 - v. Outside of the failures that have occurred, the county provides summer and winter maintenance on 11000 North.
 - vi. County adoption of the improved roadway is dependent on the provision by the developer of a warranty bond for the work completed on the roadway. From the time that the roadway was completed until now, the developer has not provided a warranty bond on the completed road work. The County shall not accept full responsibility of the road until all necessary repairs have been made and the warranty period of the warranty bond has been accomplished. *See condition #9*
 - vii. A review of the road was completed in June 2018 by the County Road Department and a punch list of items that needs to be completed was prepared and given to the applicant.
23. Parking:
- a. §17.22 Off Street Parking Standards – All uses included under Use Index 4000, Cultural, Entertainment, Recreation Uses, require a Parking Analysis be conducted to determine the required number of parking spaces needed to demonstrate that sufficient accommodation has been made for the volume of traffic expected to be generated by the size and type of the proposed use. As an existing use, a parking analysis is not required, however, the applicant must submit a parking plan that details the design of the new permanent parking lots including dimensions of parking stalls, drive aisles, entry/exit, etc. *See condition #3*
24. Solid Waste Disposal – Logan City Environmental had no comments on the amendment, but did state that in the past there have been access issues for the collection trucks to get to dumpsters and carts; applicant must ensure that access is clear for collection trucks.
25. Fire Control – The County Fire District has reviewed the proposed plans and visited the site. The access meets the fire code requirements. Any future development on the property must be reevaluated and may require improvements based on the location of any proposed development. The facility has a fire hydrant on site for fire protection.
26. Water Requirements – The recreational facility is connected to Richmond City for their water supply. The applicant reports that their water usage has been significantly under the original

State estimates and has listed their usage by month over the last 11 months in the Letter of Intent.

27. Septic – The recreational facility is connected to the Richmond City sewer system.

G. Impacts and mitigation *See conclusion #1*

28. Utah Code Annotated §17-27a-506, Conditional uses, item 2-a specifies that “A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”

29. The County Land Use Ordinance stipulates that:

- a. Reasonably anticipated detrimental effects of the proposed conditional use must be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards.
- b. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by the Code, and/or disruption of agricultural practices.

30. Known or reasonably anticipated detrimental effects of the use are as follows:

- a. Parking: The recreational facility is expected to draw a large number of vehicles to the site during events. Permanent and temporary parking areas must be clearly marked to allow for clear drive aisles, turn around areas, and ensure that vehicles do not block emergency access to the site. Any use of off-site parking for large events must be reviewed and approved by the Fire Department and transportation provided by the applicant from the parking area to the event site and back. *See conditions #3 & #10*
- b. Emergency Response: The nature of the recreational facility may result in increased need for emergency services. Coordination with law enforcement and emergency services prior to events will assist in ensuring adequate and efficient emergency response in case of emergencies. *See conditions #6, #7, #8*
- c. Noise: The proposed use may result in negative noise impacts on the surrounding properties, especially on event days, specifically concerts. The applicant must comply with current noise standards when operating the facility so as to limit the impact on surrounding properties.
- d. Light Pollution: The use of lights for events held at night, including skiing, have the potential for light pollution. The original CUP approval required that all outdoor lighting of the ski area shall be down lit and dark sky compliant and shall be fully shielded and oriented toward the slopes at the appropriate height to reduce glare and mitigate light trespass to surrounding properties. The applicant must evaluate the current condition of the lighting and ensure they are still compliant with the condition of approval.

H. Public Notice and Comment—§17.02.040 Notice of Meetings

31. Public notice was posted online to the Utah Public Notice Website on 28 June 2018.

32. Notice was published in the Herald Journal on 1 July 2018.

33. Notices were posted in three public places on 28 June 2018.

34. Notices were mailed to all property owners within 300 feet of the subject property on 28 June 2018.

35. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (10)

These conditions are based on the Cache County Land Use Ordinance and on the findings of fact as noted herein:

1. The applicant and operator(s) must abide by the information as provided in the application and the information as identified in this report and must comply with the conditions of approval. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *See A-3*
2. All temporary and permanent structures require approval of a Zoning Clearance and may require a Building Permit. The applicant must obtain the required approvals and permits prior to installation or construction. *See A-3-a*
3. Prior to recordation, the applicant must, submit a design plan for the proposed parking areas, permanent and temporary. A geotechnical report may be required if any of the areas contain moderate slopes. *See A-3-a-ii & iii, F-24, G-31-a*
4. No activities of the recreational facility are permitted on parcels 18-057-0024 & 18-057-0025. *See A-3-b*
5. All other operational aspects of the recreational facility will remain in effect permitted under the previously approved Conditional Use Permit and amendment and all conditions and requirements as stipulated by the original CUP and 1st Amendment will continue and also apply to this amendment. *See B-5*
6. Prior to recordation, the applicant must submit a general fire prevention and emergency medical services plan that has been reviewed by the Fire Department to the Department of Development Services. *See E-17, G-31-b*
7. Prior to recordation, the applicant must submit a security plan and/or law enforcement response plan to the Department of Development Services. *See E-19, G-31-b*
8. The applicant or operator(s) must notify and coordinate with law enforcement, fire prevention and emergency services to provide services as needed. *See E-20, G-31-b*
9. Prior to recordation, the applicant must make all necessary repairs to the 11000 North. A one year warranty period will commence once a warranty bond has been submitted to and accepted by the County. Following the one year period, the county may accept full responsibility for the road after conducting a final inspection. Any failures to the improvements must be made prior to county acceptance. *See F-23-b-vi*
10. For events that require off-site parking, the applicant must coordinate with the Fire Department to determine an appropriate location. Further, the applicant must provide transportation from the off-site parking area to the event site and back again. Pedestrians are prohibited from walking along the canyon road either to or from the off-site parking and the event; the applicant is solely responsible for ensuring pedestrians do not walk along the canyon road. *See G-31-a*

CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, the Cherry Peak Ski Area CUP 2nd Amendment is hereby approved as follows:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Land Use Ordinance, and; *See B, C, D, E, F, G*
2. As per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for this CUP request. *See D-6*

Letter of Intent

June 4 2018

Cherry Peak Resort LLC Conditional Use Permit Modification

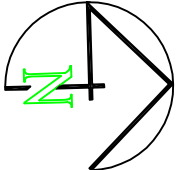
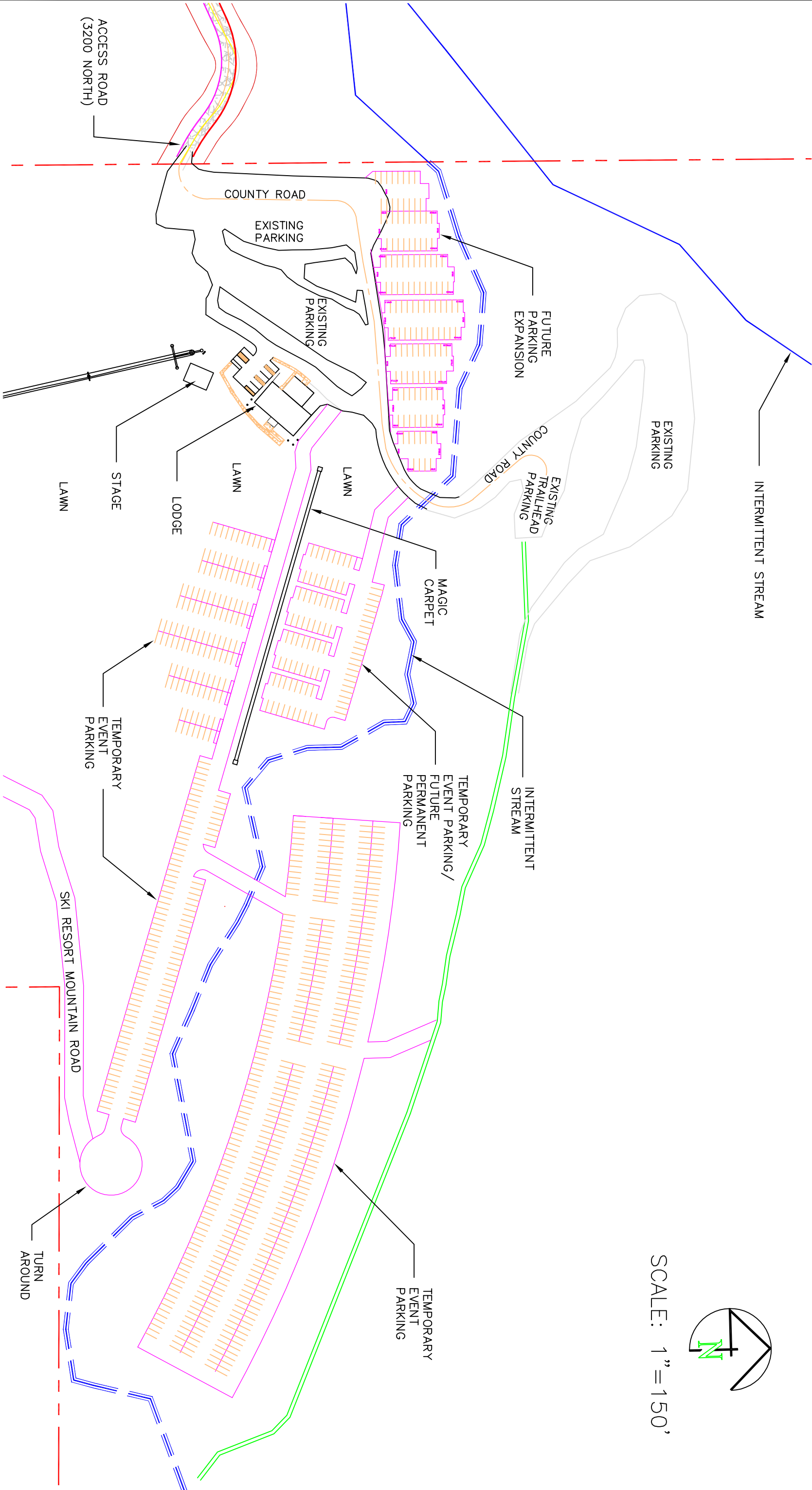
As per the request of Chris Harrild from Cache County P&Z we are requesting some modifications to our current Conditional Use Permit. In the past we have done concerts with special event permits. With the following modifications this will no longer be required and will reduce the work load of staff and the Resort.

The reason for this application is to Amend CUP to remove the condition that a special event permit is required for more than 1000 people attending the Ski Area in a day. Create one additional ski run. Create a new location for a possible cable tow or magic carpet. Provide areas for both temporary and future permanent parking. Expand the area of the CUP to include additional property to the east and remove some property to the north.

1. The Resort has a six inch sewer line that is connected to the Richmond City Sewer. Originally the Ski Area was planning on a drain field but decided to connect to the sewer instead.
2. Water usage has been way under the original State estimates. In the last 11 months our water consumption for the lodge has been 268,200 gallons. We are connected to City Water. Consumption for the last 11 recorded months is as follows: July 85,000 gallons, August 80,700, Sept. 37,200, Oct. 11,900, Nov. 3,700, Dec. 7,500, Jan. 15,700, Feb. 10,800, Mar 9,500 April-May 6,200. For the months of July, August and part of September we had a broken water line that had to be repaired. That is the reason the consumption was significantly higher during those months. When estimated with the water lost through the break we are really using only about 120,000 gallons per year.
3. For Medical our Ski Patrol is on staff at Concerts, Mountain Biking and Ski Days
4. To oversee event parking, fire and security the Sheriffs office and Fire Department are in attendance. They also ensure no down canyon foot traffic after the events.
5. Any additional parking which does not fit by the lodge will be located offsite and transportation provided as needed with the approval of the Fire Marshal where necessary.
6. Future permanent and temporary parking size and location are identified on the additional parking plan. (see parking plan)
7. The additional property to be added to the C.U.P. is tax# 18-057-0020, and the small northeastern portion of 18-057-0021.
8. The cable tow or magic carpet for tubing is located on the Additional Run and Cable tow Location map (see attached)
9. The small additional ski run is located in blue on the previous map.
10. The property to be removed from the CUP is identified by tax #s 18-057-0025 and 18-057-0024

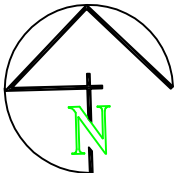
Cherry Peak Resort LLC

John D. Chadwick CEO

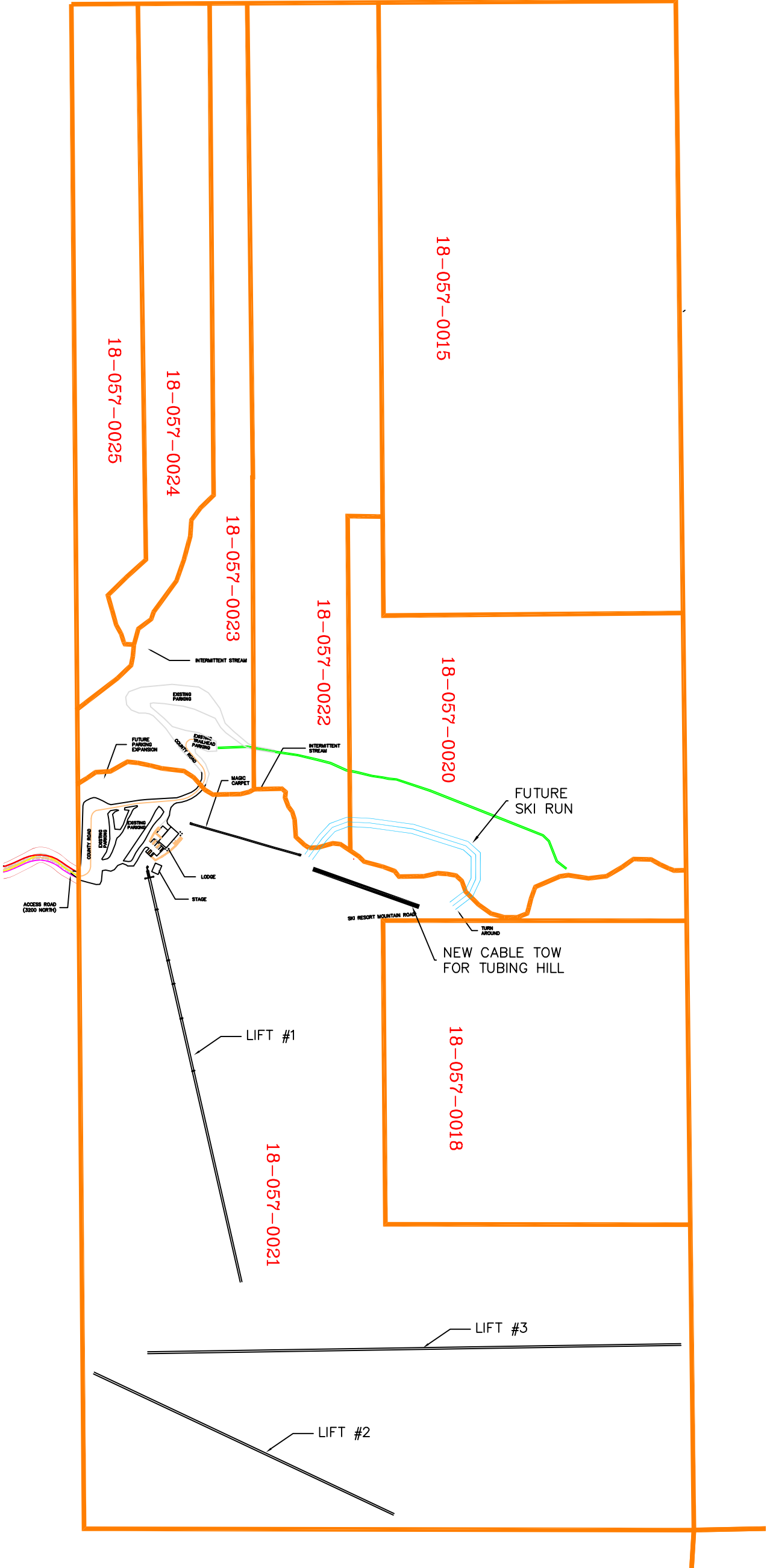


SCALE: 1"=150'

Cherry Peak Ski Resort– Additional Parking Plan



SCALE: 1"=500'



Cherry Peak Ski Resort—
Additional Run and Cable Tow Location

MEMORANDUM

05 July 2018

The intent of this memorandum and included information is to improve the process for determining the legality of parcels in the unincorporated county. That legal review process is used to verify that an existing parcel or lot was created as required by the state and county codes that govern the division and adjustment of property.

The need to amend the existing process is as follows:

1. We need to reduce the amount of guesswork in the process.
Our interpretation of the historic code is unlikely to match the interpretation in use at the time the code was adopted. There is also a lack of documentation of what occurred in previous actions. Our current process is a best guess at what was in place at the time a division of property occurred.
2. We need to complete the transition to density based zoning.
The 1970 parcel standard allowed the division of a 1970 parcel into a maximum of five lots. The transition from the 1970 parcel standard started in 2009 with the move to density based zoning that also allowed the division of property in the A10 Zone at an initially higher density. The intent was to fully transition from the 1970 parcel standard and out of the initially higher density within five years. It has now been nine years.
3. We need to reduce the amount of review and time necessary to complete the legal review process.
On average, each review takes three hours of staff time. Due to the number of reviews that are requested the wait time for each review is three to four weeks; sometimes as much as six weeks. This either pulls staff away from other duties, or frustrates whoever made the request, or both.

The benefits from the proposed changes are as follows:

1. The accuracy of our decisions will increase.
2. The division of property will be based on a density standard that is equitably applied.
3. Legal review will be simplified and will not require staff review or the public to wait, rather, it can be included as part of the existing GIS Parcel Summary available on-line to the public.

POLICY FOR DETERMINATION OF PARCEL LEGALITY

29 August 2013

A determination of legality does not guarantee that a parcel/lot is developable. The standards and requirements of Cache County apply to the development of a parcel/lot. When determining parcel legality, the following apply:

1. **LEGALLY DEFINED SUBDIVISION:** A parcel is legal if it is in the same size and configuration as when the subdivision plat was recorded.
2. **1970 PARCEL:** A parcel is legal if it exists in the same size and configuration as recorded on the 1970 plat. While the effective date of the ordinance is August 21, 1970, the 1970 plat maps do not distinguish specific dates of recordation for each parcel. As needed, dates may be checked against history cards.
3. **1978 PARCEL:** A parcel is legal if it exists in the A10 zone in the same size and configuration as recorded on the 1978 plat if it is a minimum of 10 acres in size; if the parcel is less than 10 acres in size, both the parent and child parcel must each contain a home and separate septic systems. As per 13-2 of the 1970 Cache County Code, division of a parcel in the A-10 zone was allowed if the parcel was a minimum of 10 acres in size or if a parcel met the requirements of the R-1-10 zone. This allowance changed with the update of the Code section 13-2 on July 6, 1978 when the A-10 and A-20 zones were combined into the A-Agriculture Zone. From this date on, division of a single parcel from a 1970 parcel was allowed if it was a minimum of ½ acre in size and met the requirements of the A Zone.

A parcel in the FR40 zone is legal if it is the same size and configuration as recorded on the 1978 plat. It must also be a minimum of 40 acres in size.

4. **BUILDING PERMIT:** A parcel is legal if it exists in the same size and configuration as it did when a building permit was issued for the construction of a single family dwelling. Building permits for structures other than a single family dwelling do not establish legality unless said permits were for the construction of primary structures in the Commercial or Industrial/Manufacturing zones.
5. **2000 PARCEL:** A parcel is legal if it exists in the A10 zone in the same size and configuration as it did in 2000 and is a legal, developable lot if no more than one division occurred since the original 1970 parcel. The 1978 County Code allowed the division of a single parcel from a 1970 parcel if it was a minimum of ½ acre in size and met the requirements of the A Zone. With the adoption of Section 100 of the 2001 Code on January 1, 2001, any subdivision required a formal process and the approval of the land use authority. The Code also required that the subdivision process was addressed through a conditional use permit.

A parcel in the FR40 zone is legal if it is a minimum of 40 acres in size.

6. **BOUNDARY LINE ADJUSTMENT:** Adjustments to property lines without the creation of a new parcel prior to May 14, 2013 required the approval of the land use authority. Adjustments on or after that date no longer require the approval of the land use authority. (See 17-27a-522, 523 of State Code.)

7. **CONDITIONAL USE PERMIT:** A parcel is legal if it exists in the same size and configuration as it did when a conditional use permit was recorded. This does not apply to conditional use permits for temporary uses or structures, or accessory uses or structures.
8. **OTHER LEGAL RECORDS:** In circumstances where the legality of parcels cannot be determined based on available information, any one of the following records that establishes legality through any one of the above items must be provided:
- a) A recorded deed, or;
 - b) A signed, notarized, unrecorded deed (escrow agreement, etc.) , or;
 - c) A contract which is dated, signed, and notarized, or;
 - d) Proof of payment with the notarized statements of interested parties



Director of Development Services

8/29/2013

Date

Zones that allow residential dwellings

	Zone	Density	Min. Lot Size in acres	
1958	A-1	-	10	
	A-2	-	2	
	R-1	-	0.23	
1965 Sub. Ord.	-	-	0.18	<i>1st Sub. Ord. adopted</i>
1970	FR-0.5	-	0.5	
	FR-1	-	1	
	FR-5	-	5	
	FR-10	-	10	
	FR-20	-	20	
	FR-40	-	40	
	A-10	-	10	<i>In 1978, A-10 and A-20 combined into A</i>
	A-20	-	20	
	RA-1	-	1	
	RA-2	-	2	
	RA-5	-	5	
	RE-1	-	1	
	RE-2	-	2	
	RE-5	-	5	
	R-1-6	-	0.14	
	R-1-8	-	0.18	
	R-1-10	-	0.23	
	R-1-12	-	0.28	
	R-2-7.5	-	0.17	
	R-2-9	-	0.21	
	RM-3-5	-	0.12	
	RM-4-5	-	0.12	
1990	A	-	0.5	
	FR-40	-	40	
	PUD	+10%	0.5	<i>PUD removed in 2004</i>
2006	New subdivision ordinance adopted			
2009	RU2	2	0.5	
	RU5	5	0.5	
	A10	10	0.5	
	FR40	40	1	
	C	0.5	0.5	
	I	n/a	n/a	

Count of New Parcels Created Per Tax Year: Unincorporated County

New System Import of Existing Parcels->	Tax Yr	New Parcels	New Parcels in a Sub. or Amend.	New Parcels Not in a Subdivision
	1997	1	-	-
	1998	9626	-	-
	1999	319	47	272
	2000	346	50	296
	2001	357	98	259
	2002	335	72	263
	2003	342	66	276
	2004	272	71	201
	2005	267	56	211
	2006	272	65	207
	2007	320	98	222
	2008	239	86	153
	2009	257	77	180
	2010	193	80	113
	2011	185	47	138
	2012	112	11	101
	2013	181	44	137
	2014	181	31	150
	2015	191	15	176
	2016	223	26	197
	2017	266	33	233
Totals:	19 years	4858	1073	3785

Existing definitions:

LOT/PARCEL, LEGAL: A lot, or parcel of ground, that is eligible to be developed in conformance with the requirements of Titles 16 and 17. See the adopted policy of the Development Service Department dated August 29, 2013 for legal requirements.

LOT/PARCEL, RESTRICTED: A lot, parcel or tract of land, the deed of which has been recorded in the office of the Cache County Recorder, but has not received the necessary approvals as required by the Cache County Subdivision Ordinance existing at the time of recordation (see Lot/Parcel, Legal). Restricted lots/parcels are not eligible to receive building permits, zoning clearances, or conditional use permits, but they may be issued a zoning clearance for an agricultural structure as reviewed and approved by the Director of Development Services.

AGRICULTURAL REMAINDER

- 1) The minimum size of any remainder must be in conformance with §59-2-5 of Utah Code Annotated, 1953, as amended.
- 2) Any remainder shall require a deed restriction to be recorded stating that the remainder is non-buildable except for agricultural structures. This restriction can only be removed by the appropriate land use authority.
- 3) Does not count as a "lot" for development density as described in §17.10.030 of this code.
- 4) Must be reviewed and approved by the land use authority to ensure the promotion and/or preservation of agriculture in terms of the layout and design of the agricultural remainders.

OPEN SPACE: Any area of a lot that is completely free and unobstructed from any manmade structures or parking areas.

Proposed definitions:

LOT/PARCEL: A property within the boundaries of Cache County that has been recorded in the office of the Cache County Recorder.

1. A lot/parcel may qualify as either:
 - a. Legal, conforming; or
 - b. Legal, nonconforming; or
 - c. Restricted.
2. A lot/parcel may be identified as legal or restricted as follows:
 - a. Legal – To qualify as legal lot/parcel a property must:
 - i. Be in the same size and configuration as approved by the county land use authority on the recorded subdivision plat; or
 - ii. If not part of an approved and recorded subdivision plat, be an existing, recorded parcel as of August 8, 2006.
 - b. Restricted – A property that has been recorded in the office of the Cache County Recorder without the necessary land use authority approval.
 - i. A restricted lot/parcel is not eligible to receive building permits, zoning clearances, or conditional use permits, but may be issued a zoning clearance for an Agricultural Structure.
3. A lot/parcel may be identified as conforming or nonconforming as follows:
 - a. Conforming – A property that lawfully exists and meets the minimum requirements of the zoning district in which it is located.
 - b. Nonconforming – A property that lawfully existed prior to the enactment of the requirements of this title, but does not currently meet the minimum requirements of the zoning district in which it is located.

REMAINDER: A property within a development that is essentially unimproved. This property does not count toward the total number of lots allowed in a subdivision. A remainder must qualify as one of the following:

1. Agricultural Remainder – To qualify as agricultural, any single parcel must:
 - a. Have a minimum size no less than the requirements of §59-2-5 of Utah Code Annotated, 1953, as amended.
 - b. Include a recorded deed restriction, or note on the recorded subdivision plat, stating that the remainder is non-buildable except for agricultural structures. This restriction can only be removed by the appropriate land use authority.
 - c. Be reviewed and approved by the land use authority to confirm the promotion and/or preservation of agriculture.
2. Open space - Land within or related to a development that is designed and intended for the common use or enjoyment of the residents of the development.

16.02.050: Subdivision Plat Amendment

- A. Amending a Legally Recorded Subdivision Plat: Any fee owner, as shown on the last county assessment rolls, of land within a subdivision may, in writing, petition the land use authority to have the plat, any portion of it, or any road or lot contained in it, vacated, altered, or amended.
- B. The division of any property previously approved through the conditional use permit process shall be considered, for the purpose of this title and Title 17, a legally recorded subdivision if a subdivision plat for that division was recorded.
- C. The land use authority may consider any proposed vacation, alteration, or amendment of a recorded subdivision plat in compliance with section 17-27a-608 and 609, Utah Code Annotated, 1953, as amended.
- D. A request for a subdivision amendment must include the following material:
 - 1. For the adjustment of boundary lines between existing, legal lots: A record of survey showing the parcels or lots identifying the existing lot line dividing the parcels and the proposed new lot line(s) after the adjustment including the legal description for each amended lot or parcel.
 - 2. For the creation of a new lot/parcel: Any division of property that results in the creation of a developable lot must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
- E. Amending an Approved Subdivision Plat Prior to Recordation: An approved, unrecorded subdivision plat may have minor modifications made to the final plat so long as the modifications are not substantial, as determined by the Director of Development Services. The final plat must contain all necessary signatures and be recorded in compliance with this title.

17.10.010 Purpose.....	1
17.10.020 General Requirements.....	1
17.10.030 Development Density and Standards Specific to Base Zoning Districts.....	2
17.10.040 Site Development Standards	3
17.10.050 Supplemental Standards	5
17.10.060 Improvement Agreements.....	6

17.10.010: Purpose

The regulations hereinafter set forth in this chapter supplement and/or qualify the zone regulations appearing elsewhere in this title.

17.10.020: General Requirements

A. Every Single Family Dwelling to be on a Legal Lot:

1. Every single family dwelling shall be located and maintained on an approved lot, as defined in this title.
2. A travel trailer or similar vehicle, to be used for housing, may be placed on the same lot as a Single Family Dwelling that is under construction for up to 180 days.

B. Establishment of Legal Lots:

1. Legal lots are established as defined in section 17.07.040 under the definition of Lot/Parcel. ~~Outside of a defined subdivision, a parcel may be determined to be a legal developable lot as per the conditions outlined in the “Development Services Policy for the Determination of Parcel Legality” dated August 29th, 2013.~~
2. The Cache County Director of Development Services shall make all final determinations of parcel legality.

C. Combined Lots or Parcels:

1. If combined lots/parcels have two (2) or more different zoning designations, the uses and regulations of the most restrictive zone will apply.

D. Sale or Lease of Required Space:

1. Space needed to meet the width, setback, area, coverage, parking or other requirements of this title for a lot/parcel or building shall not be sold or leased away from such lot/parcel or building.

E. Sale of Lots/Parcels Below Minimum Space Requirements:

1. A parcel of land which has less than the minimum width and area required for the zone in which it is located shall not be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development.

F. Restricted Lots:

1. No permits or licenses will be issued for a use on any restricted lot.
2. A restricted lot which meets all the requirements of this title for a lot, but the creation of which has caused any adjacent lot from which it was severed to be insufficient in frontage, yard or other requirements, may be considered legal by adding sufficient area to the adjacent lot to meet all of the requirements of this title for a lot in its zone. The added area must be duly platted and evidenced in the public records by a deed showing a single legal description in the office of the county recorder.

3. A restricted lot meeting the minimum lot size and/or density requirements of a zone may apply for subdivision.

G. Nonconforming Lot/Parcel

1. Legal lots not meeting the minimum lot size or density requirements of the applicable zone shall be entitled to be developed as a lot, but shall not be entitled to further subdivision in that nonconforming configuration.

H. Nonconforming Structure

1. Existence: A nonconforming structure may continue provided that it:
 - a. Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a federal, state, or local government entity, and;
 - b. Has been continuously maintained.
2. Alteration: A nonconforming structure may be altered, maintained, and/or repaired as follows:
 - a. Minor: Minor changes that do not increase the nonconformity are permitted provided that:
 - i. Necessary permits are obtained, and on any work being completed that requires a building permit a zoning clearance shall be issued that identifies the following:
 - 1) The legally nonconforming status, and;
 - 2) The nonconformity, and;
 - 3) That the nonconformity of the structure is not being increased.
 - ii. Any reconstruction or restoration of a nonconforming structure shall comply with state and county code.
 - b. Major: Requests for major changes that increase a nonconformity may be made to the Cache County Board of Adjustments and must meet state code requirements for a variance.
3. Abandonment: A nonconforming structure may be determined to be abandoned in compliance with state and county code.

17.10.030: Development Density and Standards Specific to Base Zoning Districts

~~A. Agricultural (A10); the following site development densities shall be complied with in the agricultural zoning district (A10):~~

- ~~1. 1970 parcel development option: 1970 parcels may divide the first three (3) lots at a density of one lot per two (2) acres. All development beyond the first three (3) lots on a 1970 parcel shall conform to the density of one lot per ten (10) acres.~~
 - ~~a. 1970 parcels shall not be permitted to be adjusted through the means of boundary line adjustments to promote additional development potential under this option. Boundary line adjustments may be completed to deal with subdivision design issues, but shall not be permitted to obtain additional lots.~~
 - ~~b. 1970 parcels that no longer exist or that have been substantially modified shall not be permitted to be re-created for the purpose of further subdivision under this development option.~~

~~B. Forest Recreation (FR40) Zone; the following site development standards shall be complied with in the forest recreation zoning district (FR40):~~

~~1. Year Round Occupancy Restriction: Year round residences are prohibited. The maximum occupancy period of any dwelling shall be limited to one hundred eighty (180) days per calendar year.~~

~~C.~~A. Commercial (C) and Industrial (I) Zones: the following site development standards shall be complied with in the Commercial (C) and Industrial (I) Zoning Districts:

1. Screening and Landscaping:

- a. Where any commercial or industrial lot shares a common boundary with property zoned A10, RU5, or RU2, a screen shall be provided at least six feet (6') in height. The screen may be a fence, wall, berm or approved landscaping or some combination of the same.
- b. All mechanical equipment related to the building, including heating and air conditioning units and trash dumpsters, shall be completely screened from surrounding properties by use of a solid screening fence or wall six feet (6') in height or shall be enclosed within a building. Trash dumpsters shall be located a minimum twenty five feet (25') from any property zoned A10, RU5, or RU2.
- c. Wherever off street parking areas are situated across the roadway from property zoned A10, RU5, or RU2, a berm or retaining wall in conjunction with a berm, three feet (3') in height shall be constructed within the required setback to adequately screen the parking.
- d. Landscaping shall be required on ten percent (10%) of the gross area of the proposed project site. Gross area is interpreted as the total project site area remaining after any required road right of way dedication.
- e. All landscaping shall be maintained in a healthy, neat, and orderly condition free of weeds and litter. All paved areas, walls, or fences shall be in good repair without broken parts, holes, potholes, or litter.
- f. The planning commission may modify any provision of the screening and landscaping sections of this chapter if strict adherence to a requirement should be delayed or is deemed unnecessary.

2. General Provisions: The land use authority may limit the hours of operation of a business located within the Commercial (C) and Industrial (I) zoning districts. This limitation may be a requirement of obtaining or renewing a business license. Any limitation on the hours of operation of an existing business shall require the land use authority to provide factual findings for the limitation.

17.10.040: Site Development Standards

Table 17.10.040 of this section lists the site development standards that apply within all zoning districts. These are "base" standards, not entitlements. Other regulations of the Land Use Ordinance, the subdivision ordinance, other applicable county ordinances and policies, requirements imposed as conditions of permitting, or requirements from other local, state, and federal agencies may impose other development standards.

Table 17.10.040 Site Development Standards

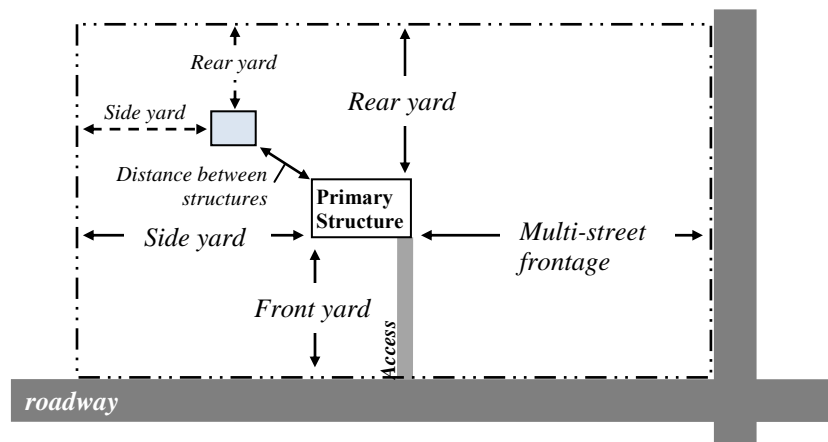
Use Setback Distances (in feet):	Use type: Primary								Accessory		Both	
Base zoning districts:	RU2		RU5		A10		FR40		C		I	
Front yard	30		30		30		50		30		30	
Multi-street frontage	30		30		30		50		30		30	
Side yard	12	5	12	5	12	5	20	5	30 ¹		30 ¹	
Rear yard	30	5	30	5	30	5	30	5	30 ¹		30 ¹	
Structures on same lot	10		10		10		10		10		10	
From the top of a recognized irrigation canal bank to any structure or fence.	16.5		16.5		16.5		16.5		16.5		16.5	
Other Standards:												
Maximum structure height ²	35		35		35		35		40	35	40	35
Minimum lot size	½ acre		½ acre		½ acre		1 acre		½ acre		1 acre	
Maximum density ⁴³	1U/2A		1U/5A		1U/10A ³		1U/40A		2U/A		N/A	
Maximum lot coverage	60%		60%		60%		25%		50%		50%	
Minimum lot frontage	90'		90'		90'		150'		150'		150'	

¹ Setback may be reduced to 15 feet with a conditional use permit if the adjoining parcel is zoned Commercial or Industrial.

² Maximum height for agricultural structures is 45 feet. Also see §17.07.040 General Definitions; Building Height, Maximum.

³ ~~The density standard has an exception for the A10 zone located in subsection 17.10.030 [A] of this chapter.~~

^{4,3} ——— The Land Use Authority shall have the authority to determine the total number of acres eligible for residential density (developable acreage).



17.10.050: Supplemental Standards

A. The following site development standards shall be complied with in all zoning districts:

1. Parking Standards:
 - a. Parking for each use shall conform to chapter 17.22 of this title.
 - b. No required parking shall be permitted in any required setback area.
2. Agricultural Restrictive Covenant:
 - a. Any person who chooses to site a nonagricultural use will be required to record a signed agricultural declaration against their property making it subject to a restrictive covenant in favor of all agricultural uses that may occur within the zone they are presently located or within an adjacent zone.
 - b. The form of the declaration shall be substantially as follows and it may be incorporated verbatim or by reference:
 - i. **AGRICULTURAL DECLARATION:** The property described herein is subject to all adjacent Agricultural Uses allowed within or adjacent to this zone, specifically to the sights, sounds, smells, air quality, water use, animal use, hours of operation, etc., accompanying regular and customary agricultural uses now existing or which may exist in the future in an Agricultural zone. By this Declaration the undersigned, and their successors in interest, hereby waive any claim for nuisance or otherwise arising from regular and customary agricultural operations. Agricultural operations that are consistent with sound agricultural practices are declared reasonable and shall not constitute a nuisance. Agricultural operations that are in conformity with federal, state, and local laws and regulations are presumed to be operating within sound agricultural practices.
3. Water and Sewage Requirements:
 - a. All proposed uses and/or buildings needing the use of water and sewage facilities shall comply with the requirements of the Bear River Health Department, the Utah Department of Environmental Quality, and the Office of the State Water Engineer. These agencies shall be considered the county experts in evaluating the proposed sewage and culinary water supply system.
 - b. No proposed septic system shall be permitted within a zone 1 or zone 2 as defined by the current drinking water source protection plan for any public culinary water system.
4. Setbacks:
 - a. Setbacks and Open Space for One Building Only:

No required setback or other open space around an existing or proposed building complying with the provisions of this title shall be considered as providing a setback or open space for any other building; nor shall any setback or other required open space on an adjoining lot be considered as providing a setback or open space on a lot whereon a building is to be erected or established.
 - b. Floodplain:

Structures built within 100 feet of the floodplain as identified on the current FIRM maps and identified on the County Sensitive Area Map must show a minimum of 1 foot of freeboard above the Base Flood Elevation (BFE).

- c. Measurement of Setback:
 - i. Wherever a front yard is required for a lot facing on a street for which an official map has been recorded in the office of the county recorder, the depth of such front yard shall be measured from the mapped road right of way line provided by the official map.
 - ii. Where an official map has not been recorded, measurements shall be made from the existing right of way line or from the proposed right of way line, as required by this title or indicated in the transportation element of the Cache Countywide Comprehensive Plan or indicated in the CMPO long range transportation plan for the Logan urbanized area.
- d. Exceptions; the area of required setbacks shall be open to the sky and unobstructed, except for the following:
 - i. The ordinary projections of roof eaves, bay windows, window wells, basement access ways, skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a setback not more than four feet (4'); provided, however, that there shall remain a minimum of eight feet (8') to side property lines;
 - ii. Uncovered steps leading to the main entrance in the front yard which are no more than four feet (4') in height and do not cause any danger or hazard to traffic by obstructing the clear view of the street or intersection.
- B. Supplemental development standards specific to the Mineral Extraction and Excavation (ME) zoning district are located within Chapter 17.13 of this title.
- C. Supplemental development standards specific to the Resort Recreation (RR) zoning district are located within Chapter 17.14 of this title.
- D. Supplemental development standards regarding sensitive areas for all zoning districts are located within Chapter 17.18 of this title.

17.10.060: Improvement Agreements

Improvement agreements for improvements and/or conditions imposed by ordinance or by a land use authority within Title 17 may be issued in compliance with 16.04.110 and 16.04.120.

Accessory apartments are currently allowed in the RU2, RU5, A10, and RR zones with approval of a Zoning Clearance.

Chapter 17.07.030 Use Related Definitions

- 1120 **ACCESSORY APARTMENT:** One (1) or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit located within an existing primary dwelling unit. An accessory apartment must comply with the following requirements:
1. Be located within an existing single-family dwelling which has been designated, built, or converted to accommodate an independent housing unit.
 2. Must be approved by the Bear River Health Department and County Building Department with respect to sanitation, water, drainage, and all applicable health codes and requirements and must also comply with all applicable Land Use, Building, and Safety Codes, including the obtaining of a building permit.
 3. Only one (1) accessory apartment is allowed per legal lot.
 4. The existing primary single-family dwelling unit or the accessory apartment must remain owner occupied.

ISSUES: In the current real estate market where affordable land and homes are scarce, staff has fielded numerous requests from residents looking to find alternative housing solutions. If a property cannot be divided to accommodate another dwelling, an option under the current Code is to add an accessory apartment to an existing single-family residence for their children, aging parents, or as a rental for additional income. With the increase in requests for accessory apartments, it has become clear to staff that there are some issues with the current code.

- Lack of clarity in the definition: “*Be located **within** an existing single-family dwelling*”. If the accessory apartment is part of a new addition to the house, what is “within”. Does a breezeway connection count? Attached via a laundry room? What percentage of walls must be connected, etc.?
- No limitation as to size. “Accessory” requires that the use or structure be subordinate to the primary use. However, with no size limitation, there have been applications submitted for very large additions to accommodate an accessory apartment, resulting in what is essentially a duplex.
- Lack of design standards to help ensure “subordinate” nature (i.e., entry on side or rear, connected by same roofline, maximum size, etc.)
- “Accessory apartment” versus a “guest room”. Many inquiries from residents include wanting to add a guest room to a detached garage or an independent detached structure. There is no definition or allowance for “guest room” in the Code. Also, there are no limitations on plumbing in accessory structures such as a garage or shed, which could easily be converted to a guest room. If detached guest rooms are allowed, should a property be permitted to have an accessory apartment in addition to a guest room?

POSSIBLE CODE CHANGES:

- Clarify language in definition for “accessory apartment”:
 - Add a maximum size limitation:
 - Max. 650-1,000 square feet.
 - Accessory apartment cannot be on separate utility meters or septic system.
 - Must be attached to existing single-family residence; cannot be detached.
 - Add design standards:
 - Entry must be located on the side or rear of the existing structure to maintain appearance as a single-family residence.
 - If building an addition to create an accessory apartment, the addition must tie in to the existing roof line and be attached to the existing residence by a minimum amount of linear connection (i.e., a breezeway is not sufficient)
 - Exterior materials must match existing residence.
- Add language to “1130: Accessory/Agriculture Structures” definition that limits bathroom facilities to half bath only (i.e., toilet and sink, no bathing facilities except if there is a swimming pool).
- Add definition for “guest room” under Residential Uses:
 - Allow detached guest rooms with bedroom and bath only.
 - Maximum size 300 square feet (i.e., typical hotel room is 325 square feet).
 - Limit one guest room per lot.
 - Must meet setback requirements for a primary structure.
 - Cannot be used as a rental unit.
 - Cannot be converted to an accessory apartment.
 - Mobile homes, recreational vehicles, or other portable structures cannot be used as a “guest room” under this definition.